

36-1-101.1. Definitions.

As used in this part:

(1) "Census block" means any one of the 115,406 individual geographic areas into which the Bureau of the Census of the United States Department of Commerce has divided the state of Utah, to each of which the Bureau of the Census has attached a discrete population tabulation from the 2010 decennial census.

(2) "Senate block assignment file" means the electronic file that assigns each of Utah's 115,406 census blocks to a particular Utah State Senate district.

(3) "Senate shapefile" means the electronic shapefile that stores the boundary of each of the 29 Utah State Senate districts.

(4) "Shapefile" means the digital vector storage format for storing geometric location and associated attribute information.

Amended by Chapter 454, 2013 General Session

36-1-101.5. Utah State Senate -- District boundaries.

(1) As used in this section:

(a) "County boundary" means the county boundary's location in the database as of January 1, 2010.

(b) "Database" means the State Geographic Information Database created in Section 63F-1-507.

(c) "Local school district boundary" means the local school district boundary's location in the database as of January 1, 2010.

(d) "Municipal boundary" means the municipal boundary's location in the database as of January 1, 2010.

(2) The Utah State Senate shall consist of 29 members, with one member to be elected from each Utah State Senate district.

(3) The Legislature adopts the official census population figures and maps of the Bureau of the Census of the United States Department of Commerce developed in connection with the taking of the 2010 national decennial census as the official data for establishing Senate district boundaries.

(4) (a) Notwithstanding Subsection (3), the Legislature enacts the district numbers and boundaries of the Senate districts designated in the Senate shapefile that is the electronic component of the bill that enacts this section.

(b) That Senate shapefile, and the Senate district boundaries generated from that Senate shapefile, may be accessed via the Utah Legislature's website.

Amended by Chapter 454, 2013 General Session

36-1-102. Election of senators -- Staggered terms.

(1) Unless otherwise provided by law, each senator elected from Senate Districts 2, 3, 5, 9, 11, 12, 15, 17, 18, 21, 22, and 26 at the 2010 General Election shall serve out the term of office for which he or she was elected and shall represent the realigned district if he or she resides in that district.

(2) At the general election to be held in 2012, senators elected from Senate Districts 1, 6, 7, 8, 10, 13, 14, 16, 19, 20, 23, 24, 25, 27, and 29 shall be elected to

serve a term of office of four years.

(3) (a) Because the senator from Senate District 28 was appointed to fill a mid-term vacancy that occurred more than two years before the next regular general election, Subsection 20A-1-503(3) requires that the vacancy be filled for the unexpired term at the next general election.

(b) Consequently:

(i) at the general election to be held in 2012, the senator elected from Senate District 28 shall be elected to serve a term of office of two years; and

(ii) at the general election to be held in 2014, the senator elected from Senate District 28 shall be elected to serve a term of office of four years.

(4) (a) If one of the incumbent senators from new Senate District 4 files written notice with the lieutenant governor by close of business on January 3, 2012, that the senator will not seek election to the Senate from that Senate District 4, that incumbent senator may serve until January 1, 2013, and the other incumbent senator from District 4 shall serve out the term for which the member was elected, which is until January 1, 2015.

(b) (i) If one of the incumbent senators in Senate District 4 does not file the written notice authorized by Subsection (4)(a), the lieutenant governor shall designate Senate District 4 as an office to be filled in the 2012 regular general election in the notice of election required by Section 20A-5-101.

(ii) If the Subsection (4)(b)(i) contingency occurs:

(A) the senator elected from Senate District 4 at the 2012 regular general election shall be elected to serve a term of office of two years; and

(B) the senator elected from Senate District 4 at the 2014 regular general election shall be elected to serve a term of office of four years.

Amended by Chapter 7, 2011 Special Session 3

36-1-103. Senate districts -- Copies -- Legal boundaries.

(1) (a) The Legislature shall file a copy of the Senate shapefile enacted by the Legislature with the lieutenant governor's office.

(b) The legal boundaries of Senate districts are contained in the Senate shapefile on file with the lieutenant governor's office.

(2) (a) The lieutenant governor shall:

(i) generate maps of each Utah State Senate district from the Senate shapefile; and

(ii) ensure that those maps are available for viewing on the lieutenant governor's website.

(b) If there is any inconsistency between the maps and the Senate shapefile, the Senate shapefile is controlling.

Amended by Chapter 454, 2013 General Session

36-1-103.2. County clerk, Automated Geographic Reference Center, and lieutenant governor responsibilities -- Maps and voting precinct boundaries.

(1) As used in this section, "redistricting boundary data" means the Senate

shapefile.

(2) Each county clerk shall obtain a copy of the redistricting boundary data for the clerk's county from the lieutenant governor's office.

(3) (a) A county clerk may create one or more county maps that identify the boundaries of Senate districts as generated from the redistricting boundary data.

(b) Before publishing or distributing any map or data created by the county clerk that identifies the boundaries of Senate districts within the county, the clerk shall submit the county map and data to the lieutenant governor and to the Automated Geographic Reference Center for review.

(c) Within 30 days after receipt of a county map and data from a county clerk, the Automated Geographic Reference Center shall:

(i) review the county map and data to evaluate if the county map and data accurately reflect the boundaries of Senate districts established by the Legislature in the redistricting boundary data;

(ii) determine whether the county map and data are correct or incorrect; and

(iii) communicate those findings to the lieutenant governor.

(d) The lieutenant governor shall either notify the county clerk that the county map and data are correct or notify the county clerk that the county map and data are incorrect.

(e) If the county clerk receives notice from the lieutenant governor that the county map and data submitted are incorrect, the county clerk shall:

(i) make the corrections necessary to conform the county map and data to the redistricting boundary data; and

(ii) resubmit the corrected county map and data to the lieutenant governor and to the Automated Geographic Reference Center for a new review under this Subsection (3).

(4) (a) Subject to the requirements of this Subsection (4), each county clerk shall establish voting precincts and polling places within each Senate district according to the procedures and requirements of Section 20A-5-303.

(b) Within five working days after approval of voting precincts and polling places by the county legislative body as required by Section 20A-5-303, each county clerk shall submit a voting precinct map identifying the boundaries of each voting precinct within the county to the lieutenant governor and to the Automated Geographic Reference Center for review.

(c) Within 30 days after receipt of a voting precinct map from a county clerk, the Automated Geographic Reference Center shall:

(i) review the voting precinct map to evaluate if the voting precinct map accurately reflects the boundaries of Senate districts established by the Legislature in the redistricting boundary data;

(ii) determine whether the voting precinct map is correct or incorrect; and

(iii) communicate those findings to the lieutenant governor.

(d) The lieutenant governor shall either notify the county clerk that the voting precinct map is correct or notify the county clerk that the map is incorrect.

(e) If the county clerk receives notice from the lieutenant governor that the voting precinct map is incorrect, the county clerk shall:

(i) make the corrections necessary to conform the voting precinct map to the

redistricting boundary data; and

(ii) resubmit the corrected voting precinct map to the lieutenant governor and to the Automated Geographic Reference Center for a new review under this Subsection (4).

Amended by Chapter 454, 2013 General Session

36-1-104. Omissions from maps -- How resolved.

(1) If any area of the state is omitted from a Utah State Senate district in the Senate shapefile enacted by the Legislature, the county clerk of the affected county, upon discovery of the omission, shall attach the area to the appropriate Senate district according to the requirements of Subsections (2) and (3).

(2) If the omitted area is surrounded by a single Senate district, the county clerk shall attach the area to that district.

(3) If the omitted area is contiguous to two or more Senate districts, the county clerk shall attach the area to the district that has the least population, as determined by the Utah Population Estimates Committee.

(4) The county clerk shall certify in writing and file with the lieutenant governor any attachment made under this section.

Amended by Chapter 454, 2013 General Session

36-1-105. Uncertain boundaries -- How resolved.

(1) As used in this section:

(a) "Affected party" means:

(i) a senator whose Utah State Senate district boundary is uncertain because the feature used to establish the district boundary in the Senate shapefile has been removed, modified, or is unable to be identified or who is uncertain about whether or not the senator or another person resides in a particular Senate district;

(ii) a candidate for senator whose Senate district boundary is uncertain because the feature used to establish the district boundary in the Senate shapefile has been removed, modified, or is unable to be identified or who is uncertain about whether or not the candidate or another person resides in a particular Senate district; or

(iii) a person who is uncertain about which Senate district contains the person's residence because the feature used to establish the district boundary in the Senate shapefile has been removed, modified, or is unable to be identified.

(b) "Feature" means a geographic or other tangible or intangible mark such as a road or political subdivision boundary that is used to establish a Senate district boundary.

(2) (a) An affected party may file a written request petitioning the lieutenant governor to determine:

(i) the precise location of the Senate district boundary;

(ii) the number of the Senate district in which a person resides; or

(iii) both Subsections (2)(a)(i) and (ii).

(b) In order to make the determination required by Subsection (2)(a), the lieutenant governor shall review:

- (i) the Senate shapefile; and
- (ii) other relevant data such as aerial photographs, aerial maps, or other data about the area.
- (c) Within five days of receipt of the request, the lieutenant governor shall:
 - (i) review the Senate shapefile;
 - (ii) review any relevant data; and
 - (iii) make a determination.
- (d) When the lieutenant governor determines the location of the Senate district boundary, the lieutenant governor shall:
 - (i) prepare a certification identifying the appropriate Senate district boundary and attaching a map, if necessary; and
 - (ii) send a copy of the certification to:
 - (A) the affected party;
 - (B) the county clerk of the affected county; and
 - (C) the Automated Geographic Reference Center created under Section 63F-1-506.
- (e) If the lieutenant governor determines the number of the Senate district in which a particular person resides, the lieutenant governor shall send a letter identifying that district by number to:
 - (i) the person;
 - (ii) the affected party who filed the petition, if different than the person whose Senate district number was identified; and
 - (iii) the county clerk of the affected county.

Amended by Chapter 454, 2013 General Session

36-1-201.1. Definitions.

As used in this part:

- (1) "Census block" means any one of the 115, 406 individual geographic areas into which the Bureau of the Census of the United States Department of Commerce has divided the state of Utah, to each of which the Bureau of the Census has attached a discrete population tabulation from the 2010 decennial census.
- (2) "House block assignment file" means the electronic file that assigns each of Utah's 115, 406 census blocks to a particular Utah House district.
- (3) "House shapefile" means the electronic shapefile that stores the boundary of each of the 75 Utah House districts.
- (4) "Shapefile" means the digital vector storage format for storing geometric location and associated attribute information.

Amended by Chapter 382, 2013 General Session

36-1-201.5. Utah House of Representatives -- House district boundaries.

- (1) As used in this section:
 - (a) "County boundary" means the county boundary's location in the database as of January 1, 2010.
 - (b) "Database" means the State Geographic Information Database created in

Section 63F-1-507.

(c) "Local school district boundary" means the local school district boundary's location in the database as of January 1, 2010.

(d) "Municipal boundary" means the municipal boundary's location in the database as of January 1, 2010.

(2) The Utah House of Representatives shall consist of 75 members, with one member to be elected from each Utah House of Representative district.

(3) The Legislature adopts the official census population figures and maps of the Bureau of the Census of the United States Department of Commerce developed in connection with the taking of the 2010 national decennial census as the official data for establishing House district boundaries.

(4) (a) Notwithstanding Subsection (3), the Legislature enacts the district numbers and boundaries of the House districts designated by the House shapefile that is the electronic component of the bill that enacts this section.

(b) That House shapefile, and the legislative boundaries generated from that shapefile, may be accessed via the Utah Legislature's website.

Amended by Chapter 382, 2013 General Session

36-1-202. House districts -- Filing -- Legal boundaries.

(1) (a) The Legislature shall file a copy of the House shapefile enacted by the Legislature with the lieutenant governor's office.

(b) The legal boundaries of House districts are contained in the House shapefile on file with the lieutenant governor's office.

(2) (a) The lieutenant governor shall:

(i) generate maps of each House district from the House shapefile; and

(ii) ensure that those maps are available for viewing on the lieutenant governor's website.

(b) If there is any inconsistency between the maps and the House shapefile, the House shapefile is controlling.

Amended by Chapter 382, 2013 General Session

36-1-202.2. County clerk, Automated Geographic Reference Center, and lieutenant governor responsibilities -- Maps and voting precinct boundaries.

(1) As used in this section, "redistricting boundary data" means the House shapefile.

(2) Each county clerk shall obtain a copy of the redistricting boundary data for the clerk's county from the lieutenant governor's office.

(3) (a) A county clerk may create one or more county maps that identify the boundaries of House districts as generated from the redistricting boundary data.

(b) Before publishing or distributing any map or data created by the county clerk that identifies the boundaries of House districts within the county, the clerk shall submit the county map and data to the lieutenant governor and to the Automated Geographic Reference Center for review.

(c) Within 30 days after receipt of a county map and data from a county clerk,

the Automated Geographic Reference Center shall:

(i) review the county map and data to evaluate if the county map and data accurately reflect the boundaries of House districts established by the Legislature in the redistricting boundary data;

(ii) determine whether the county map and data are correct or incorrect; and

(iii) communicate those findings to the lieutenant governor.

(d) The lieutenant governor shall either notify the county clerk that the county map and data are correct or notify the county clerk that the county map and data are incorrect.

(e) If the county clerk receives notice from the lieutenant governor that the county map and data submitted are incorrect, the county clerk shall:

(i) make the corrections necessary to conform the county map and data to the redistricting boundary data; and

(ii) resubmit the corrected county map and data to the lieutenant governor and to the Automated Geographic Reference Center for a new review under this Subsection (3).

(4) (a) Subject to the requirements of this Subsection (4), each county clerk shall establish voting precincts and polling places within each House district according to the procedures and requirements of Section 20A-5-303.

(b) Within five working days after approval of voting precincts and polling places by the county legislative body as required by Section 20A-5-303, each county clerk shall submit a voting precinct map identifying the boundaries of each voting precinct within the county to the lieutenant governor and to the Automated Geographic Reference Center for review.

(c) Within 30 days after receipt of a voting precinct map from a county clerk, the Automated Geographic Reference Center shall:

(i) review the voting precinct map to evaluate if the county map accurately reflects the boundaries of House districts established by the Legislature in the redistricting boundary data;

(ii) determine whether the voting precinct map is correct or incorrect; and

(iii) communicate those findings to the lieutenant governor.

(d) The lieutenant governor shall either notify the county clerk that the voting precinct map is correct or notify the county clerk that the voting precinct map is incorrect.

(e) If the county clerk receives notice from the lieutenant governor that the voting precinct map is incorrect, the county clerk shall:

(i) make the corrections necessary to conform the voting precinct map to the redistricting boundary data; and

(ii) resubmit the corrected voting precinct map to the lieutenant governor and to the Automated Geographic Reference Center for a new review under this Subsection (4).

Amended by Chapter 382, 2013 General Session

36-1-203. Omissions from maps -- How resolved.

(1) If any area of the state is omitted from a Utah House of Representatives

district in the House shapefile enacted by the Legislature, the county clerk of the affected county, upon discovery of the omission, shall attach the area to the appropriate House district according to the requirements of Subsections (2) and (3).

(2) If the omitted area is surrounded by a single House district, the county clerk shall attach the area to that district.

(3) If the omitted area is contiguous to two or more House districts, the county clerk shall attach the area to the district that has the least population, as determined by the Utah Population Estimates Committee.

(4) The county clerk shall certify in writing and file with the lieutenant governor any attachment made under this section.

Amended by Chapter 382, 2013 General Session

36-1-204. Uncertain boundaries -- How resolved.

(1) As used in this section:

(a) "Affected party" means:

(i) a representative whose Utah House of Representatives district boundary is uncertain because the feature used to establish the district boundary in the House shapefile has been removed, modified, or is unable to be identified or who is uncertain about whether or not the representative or another person resides in a particular House district;

(ii) a candidate for representative whose House district boundary is uncertain because the feature used to establish the district boundary in the House shapefile has been removed, modified, or is unable to be identified or who is uncertain about whether or not the candidate or another person resides in a particular House district; or

(iii) a person who is uncertain about which House district contains the person's residence because the feature used to establish the district boundary in the House shapefile has been removed, modified, or is unable to be identified.

(b) "Feature" means a geographic or other identifiable tangible or intangible object such as a road or political subdivision boundary that is used to establish a House district boundary.

(2) (a) An affected party may file a written request petitioning the lieutenant governor to determine:

(i) the precise location of the House district boundary;

(ii) the number of the House district in which a person resides; or

(iii) both Subsections (2)(a)(i) and (ii).

(b) In order to make the determination required by Subsection (2)(a), the lieutenant governor shall review:

(i) the House shapefile; and

(ii) other relevant data such as aerial photographs, aerial maps, or other data about the area.

(c) Within five days of receipt of the request, the lieutenant governor shall:

(i) review the House shapefile;

(ii) review any relevant data; and

(iii) make a determination.

(d) When the lieutenant governor determines the location of the House district

boundary, the lieutenant governor shall:

(i) prepare a certification identifying the appropriate House district boundary and attaching a map, if necessary; and

(ii) send a copy of the certification to:

(A) the affected party;

(B) the county clerk of the affected county; and

(C) the Automated Geographic Reference Center created under Section 63F-1-506.

(e) If the lieutenant governor determines the number of the House district in which a particular person resides, the lieutenant governor shall send a letter identifying that district by number to:

(i) the person;

(ii) the affected party who filed the petition, if different than the person whose House district number was identified; and

(iii) the county clerk of the affected county.

Amended by Chapter 382, 2013 General Session

36-2-1. In-session employees of Legislature enumerated.

The in-session employees of the Legislature shall consist of a secretary of the Senate and a chief clerk of the House, a minute clerk of the Senate and a minute clerk of the House, a docket clerk of the Senate and a docket clerk of the House, a reading clerk of the Senate and a reading clerk of the House, and such other assistants as may be found necessary.

Amended by Chapter 108, 1975 General Session

36-2-2. Salaries and expenses of members -- Compensation of in-session employees.

(1) (a) Unless rejected or lowered as provided in Section 36-2-3, beginning in 2001 and in each odd-numbered year after that year, members of the Legislature shall receive a salary equal to the amount recommended by the Legislative Compensation Commission in the last report issued by the commission in the previous even-numbered year.

(b) Unless rejected or lowered as provided in Section 36-2-3, beginning in 2001 and in each odd-numbered year after that year, members of the Legislature shall receive a salary for attendance at a veto-override, special session, and other authorized legislative meetings equal to the amount recommended by the Legislative Compensation Commission in the last report issued by the commission in the previous even-numbered year.

(2) (a) Unless rejected or lowered as provided in Section 36-2-3, beginning in 2001 and in each odd-numbered year after that year, the president of the Senate and the speaker of the House of Representatives shall receive a salary equal to the amount recommended by the Legislative Compensation Commission in the last report issued by the commission in the previous even-numbered year.

(b) Beginning in 2001 and in each odd-numbered year after that year, the

majority and minority leadership of each house shall receive a salary equal to the amount recommended by the Legislative Compensation Commission in the last report issued by the commission in the previous even-numbered year.

(3) The Legislature shall:

(a) establish, by joint rule of the Legislature, the expenses of its members; and

(b) ensure that the rules governing expenses are based upon:

(i) payment of necessary expenses for attendance during legislative sessions;

(ii) a mileage allowance; and

(iii) reimbursement for other expenses involved in the performance of legislative duties.

(4) (a) The Legislature shall establish the compensation of in-session employees by joint resolution at each session of the Legislature.

(b) For necessary work done by in-session employees of the Legislature after the adjournment of a session, the presiding officer of the house employing that work shall approve payment for the work.

Amended by Chapter 133, 2010 General Session

36-2-3. Salaries of members set by Legislature based on recommendations of Legislative Compensation Commission.

(1) (a) Except as provided in Subsections (2), (3), or (4), the salaries of members of the Legislature shall automatically be set beginning January 1st of each odd-numbered year at the amount recommended by the Legislative Compensation Commission in the last report issued by the commission in the preceding even-numbered year.

(b) This salary recommendation shall be based on either:

(i) a daily basis:

(A) for each calendar day for annual general sessions; and

(B) for each day a legislator attends veto-override and special sessions and other authorized legislative meetings; or

(ii) an annualized salary.

(c) In preparing its report, the commission may recommend salary amounts that:

(i) take into account the amounts received by legislators for legislative expenses; and

(ii) provide alternative salary amounts based upon the occurrence of various contingencies.

(2) (a) During an even-numbered annual general session or special session in the year immediately preceding the effective date of any salary change, the Legislature may reject or decrease the salary recommendation, but may not increase the salary recommendation.

(b) If the Legislature does not act as provided in Subsection (2)(a), they have by law accepted the Legislative Compensation Commission's recommendations contained in the last report issued by the commission in the preceding even-numbered year.

(3) Unless the commission issues a revised report after March 11, 2010, and notwithstanding Subsection (2), the salary for a member of the Legislature through calendar year 2011 is \$117 per day for each calendar day that the legislator attends:

- (a) the annual general session;
 - (b) a veto-override session;
 - (c) a special session; or
 - (d) an authorized legislative meeting.
- (4) If the last report issued by the commission in an even-numbered year recommends a salary contingent upon certain action being taken by the Legislature, that contingent legislative salary:
- (a) takes effect on the day after the day that the contingent action is taken by the Legislature; and
 - (b) supersedes any other salary in effect as of January 1.

Amended by Chapter 133, 2010 General Session

36-2-4. Legislative Compensation Commission created -- Governor's considerations in appointments -- Organization and expenses.

(1) There is created a state Legislative Compensation Commission composed of seven members appointed by the governor, not more than four of whom shall be from the same political party.

(2) (a) Except as required by Subsection (2)(b), the members shall be appointed for four-year terms.

(b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as the vacated member was chosen.

(3) In appointing members of the commission, the governor shall give consideration to achieving representation from the major geographic areas of the state, and representation from a broad cross section of occupational, professional, employee, and management interests.

(4) The commission shall select a chair. Four members of the commission shall constitute a quorum. The commission shall not make any final determination without the concurrence of a majority of its members appointed and serving on the commission being present.

(5) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

- (a) Section 63A-3-106;
- (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(6) (a) The commission shall be a citizen commission and no member or employee of the legislative, judicial, or executive branch is eligible for appointment to the commission.

- (b) The executive director of the Governor's Office of Management and Budget:
 - (i) shall provide staff to the commission; and

(ii) is responsible for administration, budgeting, procurement, and related management functions for the commission.

Amended by Chapter 310, 2013 General Session

36-2-5. Duties of Legislative Compensation Commission.

(1) The Legislative Compensation Commission shall:

(a) study and formulate recommendations concerning the salary levels for Utah state legislators;

(b) base the study and recommendations upon maintaining a citizen Legislature in Utah, but compensating members fairly for their service in order that all individuals would have an opportunity to serve;

(c) in developing recommendations, consider the salaries of other similar state legislators and other such factors; and

(d) submit to each member of the Legislature, by January 2nd of each even-numbered year, recommendations:

(i) concerning changes, if any, which should be made in the salary plan and its administration for state legislators; and

(ii) include a recitation of the provisions of Section 36-2-3.

(2) The Legislative Compensation Commission may issue reports subsequent to January 2 of an even-numbered year containing revised salary recommendations, including salary recommendations contingent upon certain action being taken by the Legislature.

(3) As provided in Subsection 36-2-3(1)(c), in formulating its recommendations, the commission may take into account the amounts received by legislators for legislative expenses, but may not review the propriety of, or recommend amounts for, legislative expenses.

Amended by Chapter 133, 2010 General Session

36-3-1. Enrolling by Legislature.

All bills ordered enrolled by the Legislature shall be delivered to the Office of Legislative Research and General Counsel, who shall without delay enroll the bills and return them to the secretary of the Senate or chief clerk of the House of Representatives.

Amended by Chapter 20, 1995 General Session

36-5-1. Reservation of area for Legislature -- Duties of Legislative Management Committee.

(1) As used in this section:

(a) "Architectural integrity" means the architectural elements, materials, color, and quality of the original building construction.

(b) "Capitol hill" means the grounds, monuments, parking areas, buildings, and other man-made and natural objects within the area bounded by 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard, and includes:

(i) the White Community Memorial Chapel and its grounds and parking areas, and the Council Hall Travel Information Center building and its grounds and parking areas;

(ii) the Daughters of the Utah Pioneers building and its grounds and parking areas and other state-owned property included within the area bounded by Columbus Street, North Main Street, and Apricot Avenue;

(iii) the state-owned property included within the area bounded by Columbus Street, Wall Street, and 400 North Street; and

(iv) the state-owned property included within the area bounded by Columbus Street, West Capitol Street, and 500 North Street.

(c) "House Building" means the west building on capitol hill that is located northwest of the State Capitol and southwest of the State Office Building.

(d) "Legislative area" means the buildings, chambers, rooms, hallways, lounges, parking lots, and parking garages designated by this section as being subject to legislative control.

(e) "Senate Building" means the east building on capitol hill that is located northeast of the State Capitol and southeast of the State Office Building.

(f) "State Capitol" means the building dedicated as the Utah State Capitol in 1916.

(g) "State Capitol Preservation Board" or "board" is as created in Section 63C-9-201.

(2) The legislative area on capitol hill includes:

(a) in the State Capitol:

(i) on the fourth floor: the entire floor and the stairs and elevators on the east and west side, except the four art galleries and the four closets on the interior of the State Capitol which are immediately around the art galleries are under the supervision of the board;

(ii) on the third floor: the entire floor, including the stairs and elevators on the east and west side of the third floor, except:

(A) the Supreme Court chambers which is to be controlled and scheduled by the Legislature during any general or special session of the Legislature and on interim days and controlled and scheduled by the Secretary of the Senate on all other days;

(B) one office on the southeast side by the Senate Rules Room which is to be controlled by the Senate during any general or special session of the Legislature and on interim days, and shared with the Supreme Court as scheduled through the Secretary of the Senate on all other days; and

(C) the Senate Rules Room, which Senate Rules Room is to be controlled by the Senate during any general or special session of the Legislature and on interim days, and shared with the Supreme Court as scheduled through the Secretary of the Senate on all other days;

(iii) on the second floor: a committee room on the northeast side which is to be controlled and scheduled by the Legislature during any general or special session of the Legislature and on interim days and controlled and scheduled by the State Capitol Preservation Board on all other days;

(iv) on the first floor: no legislative space; and

(v) on the basement level:

(A) the Office of Legislative Printing; and
(B) the audio/video control rooms are to be controlled by the Legislature and the governor and scheduled by the Legislature, and the maintenance of the control rooms shall be by the State Capitol Preservation Board at the direction of the Legislature and the governor;

(b) the entire House Building;
(c) in the Senate Building:
(i) on the third floor: no legislative space;
(ii) on the second floor: the entire floor, including the secured elevator, are legislative space;
(iii) on the first floor: the secured corridor to the secured elevator is legislative and executive space controlled by the State Capitol Preservation Board; and
(iv) on the basement level: the secured elevator is legislative space; and
(d) (i) the parking stalls in the underground parking facility located directly east of the House Building and below the central plaza;
(ii) 52 of the parking stalls in the above ground parking lot known as Lot G located north of the House Building and west of the State Office Building;
(iii) 26 of the parking stalls in the underground parking located directly under the Senate Building; and
(iv) 47 of the parking stalls in the underground parking facility directly east of the Senate Building.

(3) (a) The legislative area is reserved for the use and occupancy of the Legislature and its committees and for legislative functions.

(b) The Legislative Management Committee shall delegate oversight of designated portions of the legislative parking areas to the State Capitol Preservation Board for use by the executive branch on nonlegislative days.

(4) The data centers in the House Building, Senate Building, and State Capitol which are associated with the House, Senate, or legislative staff space are the responsibility of the Legislature, and the maintenance of these data centers shall be by the State Capitol Preservation Board at the direction of the Legislature.

(5) The Legislative Management Committee shall exercise complete jurisdiction over the legislative area, except for the following, which are the responsibility of the State Capitol Preservation Board:

(a) the architectural integrity of the legislative area, including:
(i) restored historic architectural or design features;
(ii) historic color schemes, decorative finishes, and stenciling;
(iii) decorative light fixtures; and
(iv) flooring;
(b) control of the central mechanical and electrical core of the House Building, Senate Building, and State Capitol on all floors;
(c) control of the enclosure of the House Building, Senate Building, and State Capitol from the exterior of the building to the interior of the exterior wall;
(d) the roof of the House Building, Senate Building, and State Capitol;
(e) the utility and security tunnels between the underground parking structure and the House Building, Senate Building, and State Capitol;
(f) rest rooms of the House Building, Senate Building, and State Capitol;

(g) maintenance of all the elevators and stairways in the House Building, Senate Building, and State Capitol; and

(h) those functions the Legislative Management Committee delegates in writing to be performed by the State Capitol Preservation Board.

(6) (a) The communications centers in the Senate Building and State Capitol which are associated with the House, Senate, or legislative staff space or are associated with the governor, lieutenant governor, or their staff space are the shared responsibility of the State Capitol Preservation Board, the Legislature, and the governor.

(b) The communications centers in the House Building which are associated with the House, Senate, or legislative staff space are the shared responsibility of the State Capitol Preservation Board and the Legislature.

Amended by Chapter 6, 2008 General Session

Amended by Chapter 10, 2008 General Session

36-10-1. Enacting clause.

The enacting clause of every law passed by the Legislature shall be: "Be it enacted by the Legislature of the State of Utah." The enacting clause of every law passed by the vote of the people as provided in Article VI, Section 1, of the Constitution of Utah shall be: "Be it enacted by the People of the State of Utah."

Enacted by Chapter 70, 1973 General Session

36-11-101. Short title.

This chapter is known as the "Lobbyist Disclosure and Regulation Act."

Enacted by Chapter 280, 1991 General Session

36-11-102. Definitions.

As used in this chapter:

(1) "Aggregate daily expenditures" means:

(a) for a single lobbyist, principal, or government officer, the total of all expenditures made within a calendar day by the lobbyist, principal, or government officer for the benefit of an individual public official;

(b) for an expenditure made by a member of a lobbyist group, the total of all expenditures made within a calendar day by every member of the lobbyist group for the benefit of an individual public official; or

(c) for a multiclient lobbyist, the total of all expenditures made by the multiclient lobbyist within a calendar day for the benefit of an individual public official, regardless of whether the expenditures were attributed to different clients.

(2) "Approved meeting or activity" means a meeting or activity:

(a) (i) to which a legislator is invited; and

(ii) attendance at which is approved by:

(A) the speaker of the House of Representatives, if the public official is a member of the House of Representatives; or

(B) the president of the Senate, if the public official is a member of the Senate;
or

(b) (i) to which a public official who holds a position in the executive branch of state government is invited; and

(ii) attendance at which is approved by the governor or the lieutenant governor.

(3) (a) "Compensation" means anything of economic value, however designated, that is paid, loaned, granted, given, donated, or transferred to an individual for the provision of services or ownership before any withholding required by federal or state law.

(b) "Compensation" includes:

(i) a salary or commission;

(ii) a bonus;

(iii) a benefit;

(iv) a contribution to a retirement program or account;

(v) a payment includable in gross income, as defined in Section 62, Internal Revenue Code, and subject to Social Security deductions, including a payment in excess of the maximum amount subject to deduction under Social Security law;

(vi) an amount that the individual authorizes to be deducted or reduced for salary deferral or other benefits authorized by federal law; or

(vii) income based on an individual's ownership interest.

(4) "Compensation payor" means a person who pays compensation to a public official in the ordinary course of business:

(a) because of the public official's ownership interest in the compensation payor;

or

(b) for services rendered by the public official on behalf of the compensation payor.

(5) "Executive action" means:

(a) a nomination or appointment by the governor;

(b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(c) agency ratemaking proceedings; or

(d) an adjudicative proceeding of a state agency.

(6) (a) "Expenditure" means any of the items listed in this Subsection (6)(a) when given to or for the benefit of a public official unless consideration of equal or greater value is received:

(i) a purchase, payment, or distribution;

(ii) a loan, gift, or advance;

(iii) a deposit, subscription, or forbearance;

(iv) services or goods;

(v) money;

(vi) real property;

(vii) a ticket or admission to a sporting, recreational, or artistic event; or

(viii) a contract, promise, or agreement, whether or not legally enforceable, to provide any item listed in Subsections (6)(a)(i) through (vii).

(b) "Expenditure" does not mean:

- (i) a commercially reasonable loan made in the ordinary course of business;
- (ii) a campaign contribution reported in accordance with Title 20A, Chapter 11, Campaign and Financial Reporting Requirements;
- (iii) printed informational material that is related to the performance of the recipient's official duties;
- (iv) a devise or inheritance;
- (v) any item listed in Subsection (6)(a) if:
 - (A) given by a relative;
 - (B) given by a compensation payor for a purpose solely unrelated to the public official's position as a public official; or
 - (C) (I) the item has a value of less than \$10; and
 - (II) the aggregate daily expenditures do not exceed \$10;
- (vi) food or beverage that is provided at an event to which the following are invited:
 - (A) all members of the Legislature;
 - (B) all members of a standing or interim committee;
 - (C) all members of an official legislative task force;
 - (D) all members of a party caucus; or
 - (E) all members of a group described in Subsections (6)(b)(vi)(A) through (D) who are attending a meeting of a national organization whose primary purpose is addressing general legislative policy;
- (vii) food or beverage that is provided at an event to a public official who is:
 - (A) giving a speech at the event;
 - (B) participating in a panel discussion at the event; or
 - (C) presenting or receiving an award at the event;
- (viii) a plaque, commendation, or award presented in public and having a cash value not exceeding \$50;
- (ix) admission to or attendance at an event, the primary purpose of which is:
 - (A) to solicit contributions reportable under:
 - (I) Title 20A, Chapter 11, Campaign and Financial Reporting Requirements; or
 - (II) 2 U.S.C. Sec. 434; or
 - (B) charitable solicitation, as defined in Section 13-22-2;
- (x) travel to, lodging at, food or beverage served at, and admission to an approved meeting or activity;
- (xi) sponsorship of an official event or official entertainment of an approved meeting or activity;
- (xii) notwithstanding Subsection (6)(a)(vii), admission to or attendance at an event:
 - (A) that is sponsored by a governmental entity; or
 - (B) that is widely attended and related to a governmental duty of a public official;

or

- (xiii) travel to a widely attended event related to a governmental duty of a public official if that travel results in a financial savings to the state.

(7) (a) "Government officer" means:

- (i) an individual elected to a position in state or local government, when acting within the government officer's official capacity; or

(ii) an individual appointed to or employed in a full-time position by state or local government, when acting within the scope of the individual's employment.

(b) "Government officer" does not mean a member of the legislative branch of state government.

(8) "Immediate family" means:

(a) a spouse;

(b) a child residing in the household; or

(c) an individual claimed as a dependent for tax purposes.

(9) "Legislative action" means:

(a) a bill, resolution, amendment, nomination, veto override, or other matter pending or proposed in either house of the Legislature or its committees or requested by a legislator; and

(b) the action of the governor in approving or vetoing legislation.

(10) "Lobbying" means communicating with a public official for the purpose of influencing the passage, defeat, amendment, or postponement of legislative or executive action.

(11) (a) "Lobbyist" means:

(i) an individual who is employed by a principal; or

(ii) an individual who contracts for economic consideration, other than reimbursement for reasonable travel expenses, with a principal to lobby a public official.

(b) "Lobbyist" does not include:

(i) a government officer;

(ii) a member or employee of the legislative branch of state government;

(iii) a person while appearing at, or providing written comments to, a hearing conducted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act or Title 63G, Chapter 4, Administrative Procedures Act;

(iv) a person participating on or appearing before an advisory or study task force, commission, board, or committee, constituted by the Legislature or any agency or department of state government, except legislative standing, appropriation, or interim committees;

(v) a representative of a political party;

(vi) an individual representing a bona fide church solely for the purpose of protecting the right to practice the religious doctrines of the church, unless the individual or church makes an expenditure that confers a benefit on a public official;

(vii) a newspaper, television station or network, radio station or network, periodical of general circulation, or book publisher for the purpose of publishing news items, editorials, other comments, or paid advertisements that directly or indirectly urge legislative or executive action; or

(viii) an individual who appears on the individual's own behalf before a committee of the Legislature or an agency of the executive branch of state government solely for the purpose of testifying in support of or in opposition to legislative or executive action.

(12) "Lobbyist group" means two or more lobbyists, principals, government officers, or any combination of lobbyists, principals, and officers who each contribute a portion of an expenditure made to benefit a public official or member of the public official's immediate family.

(13) "Multiclient lobbyist" means a single lobbyist, principal, or government officer who represents two or more clients and divides the aggregate daily expenditure made to benefit a public official or member of the public official's immediate family between two or more of those clients.

(14) "Principal" means a person that employs an individual to perform lobbying, either as an employee or as an independent contractor.

(15) "Public official" means:

(a) (i) a member of the Legislature;

(ii) an individual elected to a position in the executive branch of state government; or

(iii) an individual appointed to or employed in a position in the executive or legislative branch of state government if that individual:

(A) occupies a policymaking position or makes purchasing or contracting decisions;

(B) drafts legislation or makes rules;

(C) determines rates or fees; or

(D) makes adjudicative decisions; or

(b) an immediate family member of a person described in Subsection (15)(a).

(16) "Public official type" means a notation to identify whether a public official is:

(a) (i) a member of the Legislature;

(ii) an individual elected to a position in the executive branch of state government;

(iii) an individual appointed to or employed in a position in the legislative branch of state government who meets the definition of public official under Subsection (15)(a)(iii); or

(iv) an individual appointed to or employed in a position in the executive branch of state government who meets the definition of public official under Subsection (15)(a)(iii); or

(b) an immediate family member of a person described in Subsection (15)(b).

(17) "Quarterly reporting period" means the three-month period covered by each financial report required under Subsection 36-11-201(2)(a).

(18) "Related person" means a person, agent, or employee who knowingly and intentionally assists a lobbyist, principal, or government officer in lobbying.

(19) "Relative" means a spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or spouse of any of these individuals.

Amended by Chapter 212, 2011 General Session

36-11-103. Licensing requirements.

(1) (a) Before engaging in any lobbying, a lobbyist shall obtain a license from the lieutenant governor by completing the form required by this section.

(b) The lieutenant governor shall issue licenses to qualified lobbyists.

(c) The lieutenant governor shall prepare a Lobbyist License Application Form that includes:

(i) a place for the lobbyist's name and business address;

(ii) a place for the following information for each principal for whom the lobbyist works or is hired as an independent contractor:

(A) the principal's name;

(B) the principal's business address;

(C) the name of each public official that the principal employs and the nature of the employment with the public official; and

(D) the general purposes, interests, and nature of the principal;

(iii) a place for the name and address of the person who paid or will pay the lobbyist's registration fee, if the fee is not paid by the lobbyist;

(iv) a place for the lobbyist to disclose:

(A) any elected or appointed position that the lobbyist holds in state or local government, if any; and

(B) the name of each public official that the lobbyist employs and the nature of the employment with the public official, if any;

(v) a place for the lobbyist to disclose the types of expenditures for which the lobbyist will be reimbursed; and

(vi) a certification to be signed by the lobbyist that certifies that the information provided in the form is true, accurate, and complete to the best of the lobbyist's knowledge and belief.

(2) Each lobbyist who obtains a license under this section shall update the licensure information when the lobbyist accepts employment for lobbying by a new client.

(3) (a) Except as provided in Subsection (4), the lieutenant governor shall grant a lobbying license to an applicant who:

(i) files an application with the lieutenant governor that contains the information required by this section; and

(ii) pays a \$100 filing fee.

(b) A license entitles a person to serve as a lobbyist on behalf of one or more principals and expires on December 31 of each even-numbered year.

(4) (a) The lieutenant governor may disapprove an application for a lobbying license:

(i) if the applicant has been convicted of violating Section 76-8-103, 76-8-107, 76-8-108, or 76-8-303 within five years before the date of the lobbying license application;

(ii) if the applicant has been convicted of violating Section 76-8-104 or 76-8-304 within one year before the date of the lobbying license application;

(iii) for the term of any suspension imposed under Section 36-11-401;

(iv) if, within one year before the date of the lobbying license application, the applicant has been found to have willingly and knowingly:

(A) violated this section or Section 36-11-201, 36-11-301, 36-11-302, 36-11-303, 36-11-304, 36-11-305, or 36-11-403; or

(B) filed a document required by this chapter that the lobbyist knew contained materially false information or omitted material information; or

(v) if the applicant is prohibited from becoming a lobbyist under Title 67, Chapter 24, Lobbying Restrictions Act.

(b) An applicant may appeal the disapproval in accordance with the procedures

established by the lieutenant governor under this chapter and Title 63G, Chapter 4, Administrative Procedures Act.

(5) The lieutenant governor shall deposit license fees in the General Fund.

(6) A principal need not obtain a license under this section, but if the principal makes expenditures to benefit a public official without using a lobbyist as an agent to confer those benefits, the principal shall disclose those expenditures as required by Section 36-11-201.

(7) Government officers need not obtain a license under this section, but shall disclose any expenditures made to benefit public officials as required by Section 36-11-201.

(8) Surrender, cancellation, or expiration of a lobbyist license does not absolve the lobbyist of the duty to file the financial reports if the lobbyist is otherwise required to file the reports by Section 36-11-201.

Amended by Chapter 325, 2010 General Session

36-11-106. Reports are public documents.

(1) Any person may:

(a) without charge, inspect a license application or financial report filed with the lieutenant governor in accordance with this chapter; and

(b) make a copy of a report after paying for the actual costs of the copy.

(2) The lieutenant governor shall make financial reports filed in accordance with this chapter available for viewing on the Internet at the lieutenant governor's website within seven calendar days after the report is received by the lieutenant governor.

Amended by Chapter 317, 2002 General Session

36-11-201. Lobbyist, principal, and government officer financial reporting requirements -- Prohibition for related person to make expenditures.

(1) (a) (i) A lobbyist shall file financial reports with the lieutenant governor on or before the due dates specified in Subsection (2).

(ii) If a lobbyist has not made an expenditure during the quarterly reporting period, the lobbyist shall file a financial report listing the amount of expenditures as "none."

(b) A government officer or principal that makes an expenditure during any of the quarterly reporting periods under Subsection (2)(a) shall file a financial report with the lieutenant governor on or before the date that a report for that quarter is due.

(2) (a) A financial report is due quarterly on the following dates:

(i) April 10, for the period of January 1 through March 31;

(ii) July 10, for the period of April 1 through June 30;

(iii) October 10, for the period of July 1 through September 30; and

(iv) January 10, for the period of October 1 through December 31 of the previous year.

(b) If the due date for a financial report falls on a Saturday, Sunday, or legal holiday, the report is due on the next succeeding business day.

(c) A financial report is timely filed if it is filed electronically before the close of

regular office hours on or before the due date.

(3) A financial report shall contain:

(a) the total amount of expenditures made to benefit any public official during the quarterly reporting period;

(b) the total amount of expenditures made, by the type of public official, during the quarterly reporting period;

(c) for the financial report due on January 10:

(i) the total amount of expenditures made to benefit any public official during the last calendar year; and

(ii) the total amount of expenditures made, by the type of public official, during the last calendar year;

(d) a disclosure of each expenditure made during the quarterly reporting period to reimburse or pay for travel or lodging for a public official, including:

(i) each travel destination and each lodging location;

(ii) the name of each public official who benefitted from the expenditure on travel or lodging;

(iii) the public official type of each public official named;

(iv) for each public official named, a listing of the amount and purpose of each expenditure made for travel or lodging; and

(v) the total amount of expenditures listed under Subsection (3)(d)(iv);

(e) a disclosure of aggregate daily expenditures greater than \$10 made during the quarterly reporting period including:

(i) the date and purpose of the expenditure;

(ii) the location of the expenditure;

(iii) the name of any public official benefitted by the expenditure;

(iv) the type of the public official benefitted by the expenditure; and

(v) the total monetary worth of the benefit that the expenditure conferred on any public official;

(f) for each public official who was employed by the lobbyist, principal, or government officer, a list that provides:

(i) the name of the public official; and

(ii) the nature of the employment with the public official;

(g) each bill or resolution, by number and short title, on behalf of which the lobbyist, principal, or government officer made an expenditure to a public official;

(h) a description of each executive action on behalf of which the lobbyist, principal, or government officer made an expenditure to a public official;

(i) the general purposes, interests, and nature of the entities that the lobbyist, principal, or government officer filing the report represents; and

(j) for a lobbyist, a certification that the information provided in the report is true, accurate, and complete to the lobbyist's best knowledge and belief.

(4) A related person may not, while assisting a lobbyist, principal, or government officer in lobbying, make an expenditure that benefits a public official under circumstances that would otherwise fall within the disclosure requirements of this chapter if the expenditure was made by the lobbyist, principal, or government officer.

(5) The lieutenant governor shall:

(a) (i) develop a preprinted form for a financial report required by this section;

and

(ii) make copies of the form available to a lobbyist, principal, or government officer who requests a form; and

(b) provide a reporting system that allows a lobbyist, principal, or government officer to submit a financial report required by this chapter via the Internet.

(6) (a) A lobbyist and a principal shall continue to file a financial report required by this section until the lobbyist or principal files a statement with the lieutenant governor that:

(i) states:

(A) for a lobbyist, that the lobbyist has ceased lobbying activities; or

(B) for a principal, that the principal no longer employs an individual as a lobbyist;

(ii) in the case of a lobbyist, states that the lobbyist is surrendering the lobbyist's license;

(iii) contains a listing, as required by this section, of all previously unreported expenditures that have been made through the date of the statement; and

(iv) states that the lobbyist or principal will not make any additional expenditure that is not disclosed on the statement unless the lobbyist or principal complies with the disclosure and licensing requirements of this chapter.

(b) A person that fails to renew the lobbyist's license or otherwise ceases to be licensed is required to file a financial report quarterly until the person files the statement required by Subsection (6)(a).

Amended by Chapter 325, 2010 General Session

36-11-301. Contingent compensation prohibited.

A person may not employ or solicit another to serve as a lobbyist for compensation contingent in whole or part upon the passage, defeat, or amendment of legislative action or the approval, modification, or denial of a certain executive action.

Enacted by Chapter 280, 1991 General Session

36-11-302. Improper influence -- Communication with a legislator's employer prohibited.

A person may not seek to influence the vote of any legislator through communication with the legislator's employer.

Enacted by Chapter 280, 1991 General Session

36-11-303. Prohibition on communicating false information to a public officer.

A person may not intentionally communicate to a public official any false information materially related to a matter within the responsibility of the public official.

Enacted by Chapter 280, 1991 General Session

36-11-304. Expenditures over \$10 prohibited -- Exceptions.

(1) Except as provided in Subsection (2), a lobbyist, principal, or government officer may not make or offer to make aggregate daily expenditures that exceed \$10.

(2) A lobbyist, principal, or government officer may make aggregate daily expenditures that exceed \$10:

(a) for the following items, if the expenditure is reported in accordance with Section 36-11-201:

(i) food;

(ii) beverage;

(iii) travel;

(iv) lodging; or

(v) admission to or attendance at a meeting or activity that is not an approved meeting or activity; or

(b) if the expenditure is made for a purpose solely unrelated to the public official's position as a public official.

Repealed and Re-enacted by Chapter 325, 2010 General Session

36-11-305. Campaign contribution during session prohibited.

(1) It is unlawful for a person, lobbyist, principal, or political committee to make a campaign contribution or contract, promise, or agree to make a campaign contribution to a legislator or a legislator's personal campaign committee, or a political action committee controlled by a legislator during the time the Legislature is convened in annual general session, veto override session, or special session.

(2) It is unlawful for a person, lobbyist, principal, or political committee to make a campaign contribution, or contract, promise, or agree to make a campaign contribution, to the governor, the governor's personal campaign committee, or a political action committee controlled by the governor during the time the Legislature is convened in annual general session, veto override session, special session, or during the time period established by the Utah Constitution, Article VII, Section 8, for the governor to approve or veto bills passed by the Legislature in the annual general session.

(3) Any person who violates this section is guilty of a class A misdemeanor.

Amended by Chapter 250, 2011 General Session

36-11-306. Conflicts of interest.

(1) As used in this section, "conflict of interest" means a circumstance where:

(a) the representation of one principal or client will be directly adverse to another principal or client; or

(b) there is a significant risk that the representation of one or more principals or clients will be materially limited by the lobbyist's responsibilities to:

(i) another principal or client; or

(ii) a personal interest of the lobbyist.

(2) Except as provided in Subsection (3), a lobbyist may not represent a principal or client if the representation involves a conflict of interest.

(3) Notwithstanding the existence of a conflict of interest, a lobbyist may

represent a principal or client if:

- (a) the lobbyist reasonably believes that the lobbyist will be able to provide competent and diligent representation to each principal or client;
- (b) the representation is not otherwise prohibited by law;
- (c) the representation does not require the lobbyist to assert a position on behalf of one principal or client that is opposed to the position of another principal or client represented by the lobbyist involving the same legislative issue; and
- (d) each affected principal or client gives informed consent to the conflict of interest in writing.

Enacted by Chapter 233, 2007 General Session

36-11-307. Ethics training course for lobbyists -- Internet availability -- Content -- Participation tracking -- Penalty.

(1) The lieutenant governor shall develop and maintain an ethics training course for lobbyists.

(2) The ethics training course shall include training materials and exercises that are available on the Internet to lobbyists and to the public.

(3) The ethics training course shall be designed to assist lobbyists in understanding and complying with current ethical and campaign finance requirements under state law, legislative rules, and federal law.

(4) The ethics training course shall include provisions for verifying when a lobbyist has successfully completed key training exercises.

(5) A lobbyist shall successfully complete the key training exercises of the ethics training course once each year.

(6) A lobbyist who does not complete the training required by this section is subject to a penalty as provided in Section 36-11-401.

Enacted by Chapter 389, 2011 General Session

36-11-401. Penalties.

(1) Any person who willfully and knowingly violates Section 36-11-103, 36-11-201, 36-11-301, 36-11-302, 36-11-303, 36-11-304, 36-11-305, or 36-11-403, is subject to the following penalties:

- (a) an administrative penalty of up to \$1,000 for each violation; and
- (b) for each subsequent violation of that same section within 24 months, either:
 - (i) an administrative penalty of up to \$5,000; or
 - (ii) suspension of the violator's lobbying license for up to one year, if the person is a lobbyist.

(2) Any person who willfully and knowingly fails to file a financial report required by this chapter, omits material information from a license application form or financial report, or files false information on a license application form or financial report, is subject to the following penalties:

- (a) an administrative penalty of up to \$1,000 for each violation; or
- (b) suspension of the violator's lobbying license for up to one year, if the person is a lobbyist.

(3) Any person who willfully and knowingly fails to file a financial report required by this chapter on the date that it is due shall, in addition to the penalties, if any, imposed under Subsection (1) or (2), pay a penalty of up to \$50 per day for each day that the report is late.

(4) (a) When a lobbyist is convicted of violating Section 76-8-103, 76-8-107, 76-8-108, or 76-8-303, the lieutenant governor shall suspend the lobbyist's license for up to five years from the date of the conviction.

(b) When a lobbyist is convicted of violating Section 76-8-104 or 76-8-304, the lieutenant governor shall suspend a lobbyist's license for up to one year from the date of conviction.

(5) (a) Any person who willfully and knowingly violates Section 36-11-301, 36-11-302, or 36-11-303 is guilty of a class B misdemeanor.

(b) The lieutenant governor shall suspend the lobbyist license of any person convicted under any of these sections for up to one year.

(c) The suspension shall be in addition to any administrative penalties imposed by the lieutenant governor under this section.

(d) Any person with evidence of a possible violation of this chapter may submit that evidence to the lieutenant governor for investigation and resolution.

(6) A lobbyist who does not complete the training required by Section 36-11-307 is subject to the following penalties:

(a) an administrative penalty of up to \$1,000 for each failure to complete the training required by Section 36-11-307; and

(b) for two or more failures to complete the training required by Section 36-11-307 within 24 months, suspension of the lobbyist's lobbying license.

(7) Nothing in this chapter creates a third-party cause of action or appeal rights.

Amended by Chapter 389, 2011 General Session

36-11-403. Lobbying without a license.

(1) No person may engage in any lobbying activities:

(a) without the license required by this chapter;

(b) during the period of any bar from obtaining a license; or

(c) when the license has been suspended or revoked.

(2) The attorney general may seek injunctive relief against any person violating this section.

Enacted by Chapter 280, 1991 General Session

36-11-404. Lieutenant governor's procedures.

(1) The lieutenant governor shall make rules that provide:

(a) for the appointment of an administrative law judge to adjudicate alleged violations of this section and to impose penalties under this section;

(b) procedures for license applications, disapprovals, suspensions, revocations, and reinstatements that comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act.

(2) The lieutenant governor shall develop forms needed for the registration and

disclosure provisions of this chapter.

Amended by Chapter 382, 2008 General Session

36-11-405. Construction and interpretation -- Freedom of expression, participation, and press.

No provision of this chapter may be construed, interpreted, or enforced so as to limit, impair, abridge, or destroy any person's right of freedom of expression and participation in government processes or freedom of the press.

Enacted by Chapter 280, 1991 General Session

36-12-1. Definitions.

As used in this chapter:

(1) (a) "Interim committees" means legislative committees that are formed from the membership of each house to function between sessions of the Legislature in order to study subjects of legislative concern.

(b) "Interim committees" includes a commission, committee, council, task force, board, or panel, in which legislative participation is required by law, which committee functions between sessions of the Legislature.

(2) "Legislative director" means the director of the Office of Legislative Research and General Counsel, the legislative fiscal analyst, or the legislative auditor general.

(3) "Major political party" means either of the two political parties having the greatest number of members elected to the two houses of the Legislature.

(4) "Professional legislative staff" means the legislative directors and the members of their staffs.

(5) "Standing committees" means legislative committees organized under the rules of each house of the Legislature for the duration of the legislative biennial term to consider proposed legislation. As used in this chapter, "standing committees" excludes appropriations committees, appropriations subcommittees, and rules committees.

Amended by Chapter 104, 2000 General Session

36-12-2. Standing committees.

Each house of the Legislature at the beginning of each general session shall organize itself into standing committees for the consideration of proposed legislation. The committees shall be organized, their duties determined, and their membership appointed as the rules of each house shall prescribe. This section shall not be construed to prevent the creation of subcommittees, special committees, or ad hoc committees which each house may organize.

Amended by Chapter 226, 1998 General Session

36-12-3. Interim committees -- Membership -- Purpose -- Meetings and rules.

(1) There are hereby created interim committees of the Legislature consisting of

the members of each house. The speaker of the House of Representatives shall appoint the members from the House of Representatives and the president of the Senate shall appoint the members from the Senate, each taking into consideration suggestions from the minority party in their respective house.

(2) The purpose of the committees is to investigate and study matters of legislative concern in the interval between general legislative sessions.

(3) The interim committees shall meet after adjournment sine die of each general session to organize and to plan study programs. Each committee shall operate under rules established by the Legislature.

Amended by Chapter 39, 2002 General Session

36-12-4. Interim committees of two houses -- Meeting jointly -- Joint rules -- Majority vote.

Corresponding interim committees of the two houses may meet jointly to consider the same or similar studies or to recommend joint legislative programs. In any joint meeting, the rules of the Legislature apply. A majority vote of corresponding interim committees of the two houses meeting jointly includes at least 50% of the members in one house and more than 50% of the members in the other house.

Amended by Chapter 6, 1988 General Session

36-12-5. Duties of interim committees.

(1) Except as otherwise provided by law, each interim committee shall:

(a) receive study assignments by resolution from the Legislature;

(b) receive study assignments from the Legislative Management Committee, created under Section 36-12-6;

(c) place matters on its study agenda after requesting approval of the study from the Legislative Management Committee, which request, if not disapproved by the Legislative Management Committee within 30 days of receipt of the request, the interim committee shall consider it approved and may proceed with the requested study;

(d) request research reports from the professional legislative staff pertaining to the committee's agenda of study;

(e) investigate and study possibilities for improvement in government services within its subject area;

(f) accept reports from the professional legislative staff and make recommendations for legislative action with respect to such reports; and

(g) prepare and recommend to the Legislature a legislative program in response to the committee's study agenda.

(2) Except as otherwise provided by law, reports and recommendations of the interim committees shall be completed and made public prior to any legislative session at which the reports and recommendations are submitted. A copy of the reports and recommendations shall be mailed to each member or member-elect of the Legislature, to each elective state officer, and to the state library.

Amended by Chapter 177, 2013 General Session

36-12-6. Permanent committees -- House and Senate management -- Members -- Chairman -- Legislative Management Committee -- Membership -- Chairman and vice-chairman -- Meetings -- Quorum.

(1) There are hereby established as permanent committees of the Legislature a House Management Committee and a Senate Management Committee. The House Management Committee shall consist of eight members of the House of Representatives, four from each major political party. The membership shall include the elected leadership of the House of Representatives and additional members chosen at the beginning of each annual general session by the minority party caucus as needed to complete the full membership. The chairman of the committee shall be the speaker of the House of Representatives or his designee. The Senate Management Committee shall consist of eight members of the Senate, four from each major political party. The membership shall include the elected leadership of the Senate and additional members chosen at the beginning of each annual general session by the appropriate party caucus as needed to complete the full membership. The chairman of the committee shall be the president of the Senate or his designee.

(2) There is hereby established a permanent committee of the Legislature to be known as the Legislative Management Committee. The committee shall consist of the membership of the House Management Committee and the Senate Management Committee meeting jointly. The president of the Senate or his designee shall be chairman during 1987, and the speaker of the House of Representatives or his designee shall be vice-chairman of the committee during that year. The positions of chairman and vice-chairman of the Legislative Management Committee shall rotate annually between these two officers in succeeding years. The committee shall meet as often as is necessary to perform its duties, but not less than once each quarter.

(3) If a legislator declines membership on the committees established by this section, or if a vacancy occurs, a replacement shall be chosen by the leadership of the appropriate party of the house in which the vacancy occurs.

(4) The committees established by this section shall meet not later than 60 days after the adjournment sine die of the annual general session held in even-numbered years and not later than 30 days after the adjournment sine die of the annual general session held in odd-numbered years for the purpose of effecting their organization and prescribing rules and policies pertaining to their respective powers and duties. A majority of the members of each committee constitutes a quorum, and a majority of a quorum has authority to act in any matter falling within the jurisdiction of the committee.

Amended by Chapter 18, 1987 General Session

36-12-7. Legislative Management Committee -- Duties.

- (1) The Senate or House Management Committee shall:
- (a) receive legislative resolutions directing studies on legislative matters and may assign these studies to the appropriate interim committee of its house;
 - (b) assign to interim committees of the same house, matters of legislative study not specifically contained in a legislative resolution but considered significant to the welfare of the state;
 - (c) receive requests from interim committees of its house for matters to be

included on the study agenda of the requesting committee. Appropriate bases for denying a study include inadequate funding to properly complete the study or duplication of the work;

(d) establish a budget account for interim committee day as designated by Legislative Management Committee and for all other legislative committees of its house and allocate to that account sufficient funds to adequately provide for the work of the committee; and

(e) designate the time and place for periodic meetings of the interim committees.

(2) To maximize the use of legislators' available time, the Senate and House Management Committees should attempt to schedule the committee meetings of their respective houses during the same one or two-day period each month. This does not preclude an interim committee from meeting at any time it determines necessary to complete its business.

(3) The Legislative Management Committee shall:

(a) employ, after recommendation of the appropriate subcommittee of the Legislative Management Committee, without regard to political affiliation, and subject to approval of a majority vote of both houses, persons qualified for the positions of director of the Office of Legislative Research and General Counsel, legislative fiscal analyst, legislative general counsel, and legislative auditor general. Appointments to these positions shall be for terms of six years subject to renewal under the same procedure as the original appointment. A person may be removed from any of these offices prior to the expiration of his term only by a majority vote of both houses of the Legislature or by a 2/3 vote of the management committee for such causes as inefficiency, incompetency, failure to maintain skills or adequate performance levels, insubordination, misfeasance, malfeasance, or nonfeasance in office. In the event a vacancy occurs in any of these offices after adjournment of the Legislature, the committee shall appoint an individual to fill the vacancy until such time as the person is approved or rejected by majority vote of the next session of the Legislature;

(b) develop policies for personnel management, compensation, and training of all professional legislative staff;

(c) develop a policy within the limits of legislative appropriation for the authorization and payment to legislators of compensation and travel expenses, including out-of-state travel;

(d) approve special study budget requests of the legislative directors; and

(e) assist the speaker-elect of the House of Representatives and the president-elect of the Senate, upon selection by their majority party caucus, to organize their respective houses of the Legislature and assume the direction of the operation of the Legislature in the forthcoming annual general session.

(4) The Legislature delegates to the Legislative Management Committee the authority, by means of a majority vote of the committee, to direct the legislative general counsel in matters involving the Legislature's participation in litigation.

Amended by Chapter 107, 2009 General Session

36-12-8. Legislative Management Committee -- Research and General

Counsel Subcommittee -- Budget Subcommittee -- Audit Subcommittee -- Duties -- Members -- Meetings.

(1) There is created within the Legislative Management Committee three subcommittees having equal representation from each major political party. The subcommittees, their membership, and their functions are as follows:

(a) The Research and General Counsel Subcommittee, comprising six members, shall recommend to the Legislative Management Committee a person or persons to hold the positions of director of the Office of Legislative Research and General Counsel and legislative general counsel.

(b) The Budget Subcommittee, comprising six members, shall recommend to the Legislative Management Committee a person to hold the position of legislative fiscal analyst.

(c) The Audit Subcommittee, comprising four members, shall:

(i) recommend to the Legislative Management Committee a person to hold the position of legislative auditor general; and

(ii) (A) review all requests for audits;

(B) prioritize those requests;

(C) hear all audit reports and refer those reports to other legislative committees for their further review and action as appropriate; and

(D) when notified by the legislative auditor general or state auditor that a subsequent audit has found that an entity has not implemented a previous audit recommendation, refer the audit report to an appropriate legislative committee and also ensure that an appropriate legislative committee conducts a review of the entity that has not implemented the previous audit recommendation.

(2) The members of each subcommittee of the Legislative Management Committee shall be appointed from the membership of the Legislative Management Committee by an appointments committee comprised of the speaker and the minority leader of the House of Representatives and the president and the minority leader of the Senate.

(3) Each subcommittee of the Legislative Management Committee shall meet as often as necessary to perform its duties. They may meet during and between legislative sessions.

Amended by Chapter 137, 2012 General Session

36-12-8.1. Legislative Management Committee -- Subcommittee on Oversight -- Members -- Duties -- Meetings.

(1) There is created within the Legislative Management Committee a Subcommittee on Oversight comprised of the following members:

(a) from the Senate:

(i) the president;

(ii) the majority leader;

(iii) the minority leader; and

(iv) the minority whip;

(b) from the House of Representatives:

(i) the speaker;

- (ii) the majority leader;
- (iii) the minority leader; and
- (iv) the minority whip.
- (2) The Subcommittee on Oversight shall:
 - (a) review and approve the budget for the Office of Legislative Fiscal Analyst, the Office of Legislative Research and General Counsel, and the Office of Legislative Auditor General; and
 - (b) provide an annual performance review for the legislative fiscal analyst, the director of the Office of Legislative Research and General Counsel, and the legislative auditor general.
- (3) (a) This subcommittee shall meet no later than June 1st of each year to conduct the annual performance review and no later than November 1st of each year to review and approve the budget of these offices.
- (b) This subcommittee may meet as often as necessary to perform its duties.

Enacted by Chapter 165, 2000 General Session

36-12-9. Legislative committees -- Minutes of meetings -- Official policies -- Closed meetings -- Private records.

- (1) "Special investigative committee" means a committee or subcommittee created or designated by rule or resolution of the House, the Senate, or the Legislature to investigate a matter specified in the rule or resolution.
- (2) The House, Senate, and Legislative Management Committees, the subcommittees of the Legislative Management Committee, and each interim committee shall keep complete minutes of their meetings.
- (3) The official policies of the House, Senate and Legislative Management Committees made pursuant to their duties as assigned by law shall be written and available to all members of the Legislature.
- (4) Notwithstanding Subsection 52-4-204(2) or 52-4-205(1), a special investigative committee may hold a closed meeting if a majority of the members present vote to close the meeting for the purpose of:
 - (a) seeking or obtaining legal advice;
 - (b) discussing matters of strategy relating to an investigation, if discussing the matters in public would interfere with the effectiveness of the investigation; or
 - (c) questioning a witness, if questioning the witness in public would interfere with a criminal investigation.
- (5) The following records received by, or generated by or for, a special investigative committee are protected records, for purposes of Title 63G, Chapter 2, Government Records Access and Management Act, until the special investigative committee concludes its business or determines to remove the protected record classification described in this Subsection (5):
 - (a) records of a witness interview;
 - (b) records containing the mental impressions of special investigative committee members or staff to the special investigative committee;
 - (c) records containing information on investigative strategy; and
 - (d) records, the disclosure of which would interfere with the effectiveness of the

investigation.

Amended by Chapter 1, 2013 Special Session 1

36-12-10. Right of members to attend meetings -- Voting -- Subject to open and public meeting requirements.

Any member of the Legislature has the right to attend any meeting of the House, Senate, and Legislative Management Committees, the subcommittees of the Legislative Management Committee, or any interim committee and to present views on any subject under consideration, but no legislator has the right to vote on any decision of a committee of which he is not a member. All meetings of these committees shall be subject to Title 52, Chapter 4, Open and Public Meetings Act.

Amended by Chapter 14, 2006 General Session

36-12-11. Interim committees' powers.

Interim committees may:

- (1) administer oaths; and
- (2) issue subpoenas, compel the attendance of witnesses and the production of papers, books, accounts, documents, any other tangible things, and testimony, by following the procedures contained in Title 36, Chapter 14.

Amended by Chapter 174, 1989 General Session

36-12-12. Office of Legislative Research and General Counsel -- Established -- Powers, functions, and duties -- Organization of office -- Selection of director and general counsel.

(1) There is established an Office of Legislative Research and General Counsel as a permanent staff office for the Legislature.

(2) The powers, functions, and duties of the Office of Legislative Research and General Counsel under the supervision of the director shall be:

(a) to provide research and legal staff assistance to all standing, special, and interim committees as follows:

(i) to assist each committee chairman in planning the work of the committee;

(ii) to prepare and present research and legal information in accordance with committee instructions or instructions of the committee chairman;

(iii) to prepare progress reports of committee work when requested; and

(iv) to prepare a final committee report in accordance with committee instructions, that includes relevant research information, committee policy recommendations, and recommended legislation;

(b) to collect and examine the acts and official reports of any state and report their contents to any committee or member of the Legislature;

(c) to provide research and legal analysis services to any interim committee, legislative standing committee, or individual legislator on actual or proposed legislation or subjects of general legislative concern;

(d) to maintain a legislative research library that provides analytical, statistical,

legal, and descriptive data relative to current and potential governmental and legislative subjects;

(e) (i) to exercise under the direction of the general counsel the constitutional authority provided in Article VI, Sec. 32, Utah Constitution, in serving as legal counsel to the Legislature, majority and minority leadership of the House or Senate, any of the Legislature's committees or subcommittees, individual legislators, any of the Legislature's staff offices, or any of the legislative staff; and

(ii) to represent the Legislature, majority and minority leadership of the House or Senate, any of the Legislature's committees or subcommittees, individual legislators, any of the Legislature's staff offices, or any of the legislative staff in cases and controversies before courts and administrative agencies and tribunals;

(f) to prepare and assist in the preparation of legislative bills, resolutions, memorials, amendments, and other documents or instruments required in the legislative process and, under the direction of the general counsel, give advice and counsel regarding them to the Legislature, majority and minority leadership of the House or Senate, any of its members or members-elect, any of its committees or subcommittees, or the legislative staff;

(g) under the direction of the general counsel, to review, examine, and correct any technical errors and approve legislation that has passed both houses in order to enroll the legislation and prepare the laws for publication;

(h) to keep on file records concerning all legislation and proceedings of the Legislature with respect to legislation referred to in Subsection (2)(g);

(i) to formulate recommendations for the revision, clarification, classification, arrangement, codification, annotation, and indexing of Utah statutes, and to develop proposed legislation to effectuate the recommendations;

(j) to appoint and develop a professional staff within budget limitations; and

(k) to prepare and submit the annual budget request for the Office of Legislative Research and General Counsel.

(3) The statutory authorization of the Office of Legislative Research and General Counsel to correct technical errors provided in Subsection (2)(g) includes:

(a) adopting a uniform system of punctuation, capitalization, numbering, and wording;

(b) eliminating duplication and the repeal of laws directly or by implication, including renumbering when necessary;

(c) correcting defective or inconsistent section and paragraph structure in the arrangement of the subject matter of existing statutes;

(d) eliminating all obsolete and redundant words;

(e) correcting obvious errors and inconsistencies including those involving punctuation, capitalization, cross references, numbering, and wording;

(f) changing the boldface to more accurately reflect the substance of each section, part, chapter, or title; and

(g) merging or determining priority of any amendments, enactments, or repealers to the same code provisions that are passed by the Legislature.

(4) In carrying out the duties provided for in this section, the director of the Office of Legislative Research and General Counsel may obtain access to all records, documents, and reports necessary to the scope of the director's duties according to the

procedures contained in Title 36, Chapter 14, Legislative Subpoena Powers.

(5) In organizing the management of the Office of Legislative Research and General Counsel, the Legislative Management Committee may either:

(a) select a person to serve as both the director of the office and as general counsel. In such case, the director of the office shall be a lawyer admitted to practice in Utah and shall have practical management experience or equivalent academic training; or

(b) select a person to serve as director of the office who would have general supervisory authority and select another person to serve as the legislative general counsel within the office. In such case, the director of the office shall have a master's degree in public or business administration, economics, or the equivalent in academic or practical experience and the legislative general counsel shall be a lawyer admitted to practice in Utah.

Amended by Chapter 92, 2003 General Session

36-12-13. Office of Legislative Fiscal Analyst established -- Powers, functions, and duties -- Qualifications.

(1) There is established an Office of Legislative Fiscal Analyst as a permanent staff office for the Legislature.

(2) The powers, functions, and duties of the Office of Legislative Fiscal Analyst under the supervision of the fiscal analyst are:

(a) to analyze in detail the executive budget before the convening of each legislative session and make recommendations to the Legislature on each item or program appearing in the executive budget;

(b) to prepare cost estimates on all proposed bills that anticipate state government expenditures;

(c) to prepare cost estimates on all proposed bills that anticipate expenditures by county, municipal, local district, or special service district governments;

(d) to prepare cost estimates on all proposed bills that anticipate direct expenditures by any Utah resident, and the cost to the overall impacted Utah resident population;

(e) to prepare a review and analysis of revenue estimates for existing and proposed revenue acts;

(f) to report instances in which the administration may be failing to carry out the expressed intent of the Legislature;

(g) to direct attention to each new proposed service contained in the governor's budget;

(h) to direct attention to each budget item previously denied by the Legislature;

(i) to propose and analyze statutory changes for more effective operational economies or more effective administration;

(j) to prepare, after each session of the Legislature, a summary showing the effect of the final legislative program on the financial condition of the state;

(k) to conduct organizational and management improvement studies;

(l) to prepare and deliver upon request of any interim committee or the Legislative Management Committee, reports on the finances of the state and on

anticipated or proposed requests for appropriations;

(m) to recommend areas for research studies by the executive department or the interim committees;

(n) to assist in prescribing the format for the presentation of the governor's budget to facilitate program and in-depth review of state expenditures in accordance with Sections 63J-1-701 and 63J-1-702;

(o) to recommend to the appropriations subcommittees the agencies or programs for which an in-depth budget review should be requested, and to recommend to the Legislative Management Committee the priority in which the request should be made;

(p) to appoint and develop a professional staff within budget limitations;

(q) to prepare and submit the annual budget request for the office;

(r) to develop a taxpayer receipt:

(i) available to taxpayers through a website; and

(ii) that allows a taxpayer to view on the website an estimate of how the taxpayer's tax dollars are expended for government purposes; and

(s) to publish or provide other information on taxation and government expenditures that may be accessed by the public.

(3) (a) In accordance with Subsection (3)(b) and subject to Subsection (3)(c), the Office of Legislative Fiscal Analyst shall submit an annual report to the Executive Appropriations Committee of the Legislature, at the committee's November meeting, on funds expended by the state during the preceding state fiscal year to provide financial assistance or services to low-income individuals and families.

(b) The report described in Subsection (3)(a) shall:

(i) separate the funds expended into categories by program, service, or population served;

(ii) indicate whether the expended funds described in Subsection (3)(a) are state or federal funds; and

(iii) include a total of all state funds and federal funds expended by the state in the preceding fiscal year to provide financial assistance or services to low-income individuals and families.

(c) If the Executive Appropriations Committee of the Legislature does not meet in November, the Office of Legislative Fiscal Analyst shall submit the report described in Subsection (3)(a) at the committee's next meeting.

(4) The legislative fiscal analyst shall have a master's degree in public administration, political science, economics, accounting, or the equivalent in academic or practical experience.

(5) In carrying out the duties provided for in this section, the legislative fiscal analyst may obtain access to all records, documents, and reports necessary to the scope of the legislative fiscal analyst's duties according to the procedures contained in Title 36, Chapter 14, Legislative Subpoena Powers.

Amended by Chapter 190, 2013 General Session

**36-12-15. Office of Legislative Auditor General established --
Qualifications -- Powers, functions, and duties.**

(1) There is created an Office of Legislative Auditor General as a permanent staff office for the Legislature.

(2) The legislative auditor general shall be a licensed certified public accountant or certified internal auditor with at least five years experience in the auditing or public accounting profession, or the equivalent, prior to appointment.

(3) The legislative auditor general shall appoint and develop a professional staff within budget limitations.

(4) (a) The Office of the Legislative Auditor General shall exercise the constitutional authority provided in Article VI, Sec. 33, Utah Constitution.

(b) Under the direction of the legislative auditor general, the office shall:

(i) conduct comprehensive and special purpose audits, examinations, and reviews of any entity that receives public funds;

(ii) prepare and submit a written report on each audit, examination, or review to the Legislative Management Committee, the audit subcommittee, and to all members of the Legislature within 75 days after the audit or examination is completed; and

(iii) as provided in Section 36-24-101:

(A) monitor all new programs and agencies created during each Annual General Session or Special Session of the Legislature;

(B) provide each new program and agency created with a list of best practices in setting up their program or agency, including:

(I) policies;

(II) performance measures; and

(III) data collection;

(C) send each new program and agency:

(I) within one year after its creation, a survey instrument requesting a self evaluation that includes policies, performance measures, and data collection; and

(II) within two years after its creation, a survey instrument requesting a self evaluation that includes policies, performance measures, and data collection; and

(D) (I) using the new program or agency's response to the self evaluation survey instruments, recommend to the legislative audit subcommittee that the office conduct an audit of those new programs and agencies created on which questions have arisen as a result of the response to the survey instrument and provide a limited scope audit report on those new programs or agencies on which it receives direction to audit to the legislative interim committee and to the legislative appropriations subcommittee with oversight responsibility for that program or agency on or before the November interim meeting; and

(II) include within this limited scope audit report a recommendation as to whether the program or agency is fulfilling its statutory guidelines and directives.

(5) The audit, examination, or review of any entity that receives public funds may include a determination of any or all of the following:

(a) the honesty and integrity of all its fiscal affairs;

(b) the accuracy and reliability of its financial statements and reports;

(c) whether or not its financial controls are adequate and effective to properly record and safeguard its acquisition, custody, use, and accounting of public funds;

(d) whether or not its administrators have faithfully adhered to legislative intent;

(e) whether or not its operations have been conducted in an efficient, effective,

and cost efficient manner;

(f) whether or not its programs have been effective in accomplishing intended objectives; and

(g) whether or not its management control and information systems are adequate and effective.

(6) The Office of Legislative Auditor General may:

(a) (i) notwithstanding any other provision of law, obtain access to all records, documents, and reports of any entity that receives public funds that are necessary to the scope of its duties; and

(ii) if necessary, issue a subpoena to obtain access as provided in Subsection (6)(a)(i) using the procedures contained in Title 36, Chapter 14, Legislative Subpoena Powers;

(b) establish policies, procedures, methods, and standards of audit work for the office and staff;

(c) prepare and submit each audit report without interference from any source relative to the content of the report, the conclusions reached in the report, or the manner of disclosing the results of the legislative auditor general's findings; and

(d) prepare and submit the annual budget request for the office.

(7) To preserve the professional integrity and independence of the office:

(a) no legislator or public official may urge the appointment of any person to the office; and

(b) the legislative auditor general may not be appointed to serve on any board, authority, commission, or other agency of the state during the legislative auditor general's term as legislative auditor general.

(8) The following records in the custody or control of the legislative auditor general shall be protected records under Title 63G, Chapter 2, Government Records Access and Management Act:

(a) Records that would disclose information relating to allegations of personal misconduct, gross mismanagement, or illegal activity of a past or present governmental employee if the information or allegation cannot be corroborated by the legislative auditor general through other documents or evidence, and the records relating to the allegation are not relied upon by the legislative auditor general in preparing a final audit report.

(b) Records and audit workpapers to the extent they would disclose the identity of a person who during the course of a legislative audit, communicated the existence of any waste of public funds, property, or manpower, or a violation or suspected violation of a law, rule, or regulation adopted under the laws of this state, a political subdivision of the state, or any recognized entity of the United States, if the information was disclosed on the condition that the identity of the person be protected.

(c) Prior to the time that an audit is completed and the final audit report is released, records or drafts circulated to a person who is not an employee or head of a governmental entity for their response or information.

(d) Records that would disclose an outline or part of any audit survey plans or audit program.

(e) Requests for audits, if disclosure would risk circumvention of an audit.

(f) The provisions of Subsections (8)(a), (b), and (c) do not prohibit the

disclosure of records or information that relate to a violation of the law by a governmental entity or employee to a government prosecutor or peace officer.

(g) The provisions of this section do not limit the authority otherwise given to the legislative auditor general to classify a document as public, private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and Management Act.

(9) The legislative auditor general shall:

(a) be available to the Legislature and to its committees for consultation on matters relevant to areas of the legislative auditor general's professional competence;

(b) conduct special audits as requested by the Legislative Management Committee;

(c) report immediately in writing to the Legislative Management Committee through its audit subcommittee any apparent violation of penal statutes disclosed by the audit of a state agency and furnish to the Legislative Management Committee all information relative to the apparent violation;

(d) report immediately in writing to the Legislative Management Committee through its audit subcommittee any apparent instances of malfeasance or nonfeasance by a state officer or employee disclosed by the audit of a state agency; and

(e) make any recommendations to the Legislative Management Committee through its audit subcommittee with respect to the alteration or improvement of the accounting system used by any entity that receives public funds.

(10) If the legislative auditor general conducts an audit of a state agency that has previously been audited and finds that the state agency has not implemented a recommendation made by the legislative auditor general in a previous audit, the legislative auditor general shall, upon release of the audit:

(a) report immediately in writing to the Legislative Management Committee through its audit subcommittee that the state agency has not implemented that recommendation; and

(b) shall report, as soon as possible, that the state agency has not implemented that recommendation to a meeting of an appropriate legislative committee designated by the audit subcommittee of the Legislative Management Committee.

(11) (a) Prior to each annual general session, the legislative auditor general shall prepare a summary of the audits conducted and of actions taken based upon them during the preceding year.

(b) This report shall also set forth any items and recommendations that are important for consideration in the forthcoming session, together with a brief statement or rationale for each item or recommendation.

(c) The legislative auditor general shall deliver the report to the Legislature and to the appropriate committees of the Legislature.

(12) (a) No person or entity may:

(i) interfere with a legislative audit, examination, or review of any entity conducted by the office; or

(ii) interfere with the office relative to the content of the report, the conclusions reached in the report, or the manner of disclosing the results and findings of the office.

(b) Any person or entity that violates the provisions of this Subsection (12) is guilty of a class B misdemeanor.

Amended by Chapter 137, 2012 General Session

36-12-15.1. Budget and appropriation audits.

(1) As used in this section, "entity" means an entity in the executive branch that receives an ongoing line item appropriation in an appropriations act.

(2) The Office of Legislative Auditor General shall:

(a) each year perform an audit of at least two entities' appropriations, in addition to other audits performed by the Office of Legislative Auditor General, that evaluates:

(i) the extent to which the entity has efficiently and effectively used the appropriation by identifying:

(A) the entity's appropriation history;

(B) the entity's spending and efficiency history; and

(C) historic trends in the entity's operational performance effectiveness;

(ii) whether the entity's size and operation are commensurate with the entity's spending history; and

(iii) whether the entity is diligent in its stewardship of state resources;

(b) if possible, incorporate the audit methodology described in Subsection (2)(a) in other audits performed by the Office of Legislative Auditor General;

(c) conduct the audits described in Subsection (2)(a) according to the process established for the Audit Subcommittee created in Section 36-12-8;

(d) after release of an audit report by the Audit Subcommittee, make the audit report available to:

(i) each member of the Senate and the House of Representatives; and

(ii) the governor or the governor's designee; and

(e) summarize the findings of an audit described in Subsection (2)(a) in:

(i) a unique section of the legislative auditor general's annual report; and

(ii) a format that the legislative fiscal analyst may use in preparation of the annual appropriations no later than 30 days before the day on which the Legislature convenes.

(3) The Office of Legislative Auditor General shall consult with the legislative fiscal analyst in preparing the summary required by Subsection (2)(e).

(4) The Legislature, in evaluating an entity's request for an increase in its base budget, shall:

(a) review the audit report required by this section and any relevant audits; and

(b) consider the entity's request for an increase in its base budget in light of the entity's prior history of savings and efficiencies as evidenced by the audit report required by this section.

Amended by Chapter 369, 2012 General Session

36-12-16. Legislative directors -- Authority to obtain assistance.

Within budgetary limitations, the legislative directors shall have authority to obtain consulting help and professional outside contract assistance and fix the fees paid according to rates and schedules consistent with those generally accepted within the appropriate profession.

Enacted by Chapter 109, 1975 General Session

36-12-17. Duties of presiding officer and majority and minority leaders of each house and chairman of Legislative Management Committee.

(1) It shall be the duty of the presiding officer and the majority and minority leaders of each house to perform the following for their respective house:

- (a) to manage legislative space for their house within the state capitol;
- (b) to acquire, manage, and supervise office equipment and machines, data processing equipment, public address equipment, and other equipment and facilities needed by their house and its committees, exclusive of equipment and facilities required by professional legislative staff;
- (c) to employ, train, and supervise clerical help needed to serve all interim committees and the Legislative Management Committee, except clerical help employed to assist professional legislative staff;
- (d) to supervise payment of per diem compensation and travel expenses of the members of their house while in session; and
- (e) to approve requests by members of their house for out-of-state travel on legislative business and to supervise the reimbursement of actual and necessary expenses for such travel.

(2) The speaker of the House of Representatives and the president of the Senate may perform additional services for legislators, including but not limited to the following:

- (a) to provide at the state capitol secretarial services to all legislators of their house requesting assistance with files and correspondence directly related to legislative business; at the discretion of the minority political party, a secretary may be designated by the minority party; and
- (b) to serve as an information source to the public in informing the citizenry of matters currently before the Legislature and its committees and to prepare and distribute material to instruct the general public on the functions and operation of the Legislature.

(3) By agreement between the speaker of the House of Representatives and president of the Senate, any of the duties assigned to them by this section may be administered jointly for the two houses by the chairman of the Legislative Management Committee.

(4) The chairman of the Legislative Management Committee shall supervise the payment of per diem compensation and in-state travel expenses of members of the Legislative Management Committee and all interim committees.

Amended by Chapter 47, 1985 General Session

36-12-18. Offices for Legislative Management Committee and professional legislative staff -- Hours -- Library facilities available -- Documents, reports, and information available.

The Legislative Management Committee and the professional legislative staff shall be provided with adequate quarters in the State Capitol Complex convenient to the

members of the Legislature and other persons having official business with them. The offices shall be open during the time provided by law for other state offices, and when the Legislature is in session, at such hours as are convenient to the legislators. The facilities of the state library and other libraries maintained by the state shall be available for use by all legislative committees and subcommittees and the professional legislative staff. Each department, division, commission, agency, or other instrumentality of state government shall furnish to all the legislative committees and subcommittees and the professional legislative staff upon request any document, reports, or information available within the department.

Amended by Chapter 121, 2007 General Session

36-12-19. Investigatory powers of the Legislature.

In the discharge of its legislative investigatory powers, the Legislature, or either house or any committee thereof, may:

- (1) administer oaths; and
- (2) issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents, other tangible things, and testimony, by following the procedures contained in Title 36, Chapter 14.

Amended by Chapter 174, 1989 General Session

36-12-20. Development of proposed energy producer states' agreement -- Membership selection -- Agreements -- Goals -- Meetings -- Reports.

(1) The speaker of the House shall appoint two members and the president of the Senate shall appoint two members, of which no more than three of the four members shall be from the same political party, to study and work with legislative members of other energy producing states for the purpose of developing a proposed energy producer states' agreement.

(2) The proposed energy producer states' agreement shall have the following goals:

- (a) to encourage domestic development of energy in the United States;
- (b) to ensure the continued development of each state's domestic natural resources;

(c) to deliver a unified message to the federal government from energy producing states by:

- (i) participating in the development of proposed federal legislation and regulations; and
- (ii) making recommendations regarding existing federal law and regulations including the following:

- (A) the Environmental Protection Act;
- (B) the Endangered Species Act; and
- (C) federal land access issues that affect the production of energy;
- (d) to eliminate or reduce overly broad federal legislation; and
- (e) to identify and address consequences of delays and cancellations of economically viable energy projects.

- (3) Appointed members shall:
 - (a) produce a report with recommendations regarding an energy producer states' agreement; and
 - (b) present the report to the Natural Resources, Agriculture, and Environment Interim Committee on or before November 30 of each year.
- (4) Salaries and expenses of the appointed members may be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Expense and Mileage Reimbursement for Authorized Legislative Meetings, Special Sessions, and Veto Override Sessions.
- (5) The Office of Legislative Research and General Counsel shall provide staff assistance as requested.

Amended by Chapter 288, 2013 General Session

36-13-1. Distribution of legislative publications by Legislature.

The Legislature is responsible for printing, storing, and distributing:

- (1) the legislative session laws;
- (2) the House and Senate Journals;
- (3) the Utah Code Annotated; and
- (4) all other legislative reports and publications of Utah statutes.

Amended by Chapter 130, 1987 General Session

36-14-1. Definitions.

As used in this chapter:

- (1) "Issuer" means a person authorized to issue a subpoena by this chapter.
- (2) "Legislative body" means:
 - (a) the Legislature;
 - (b) the House or Senate; or
 - (c) any committee or subcommittee of the Legislature, the House, or the Senate.
- (3) "Legislative office" means the Office of Legislative Research and General Counsel, Office of the Legislative Fiscal Analyst, and the Office of the Legislative Auditor General.
- (4) "Legislative staff member" means an employee or independent contractor of a legislative office.
- (5) "Legislative subpoena" means a subpoena issued by an issuer on behalf of a legislative body or legislative office and includes:
 - (a) a subpoena requiring a person to appear and testify at a time and place designated in the subpoena;
 - (b) a subpoena requiring a person to:
 - (i) appear and testify at a time and place designated in the subpoena; and
 - (ii) produce accounts, books, papers, documents, electronically stored information, or tangible things designated in the subpoena; and
 - (c) a subpoena requiring a person to produce accounts, books, papers, documents, electronically stored information, or tangible things designated in the subpoena at a time and place designated in the subpoena.

(6) "Special investigative committee" is as defined in Subsection 36-12-9(1).

Amended by Chapter 1, 2013 Special Session 1

36-14-2. Issuers.

(1) Any of the following persons is an issuer, who may issue legislative subpoenas by following the procedures set forth in this chapter:

- (a) the speaker of the House of Representatives;
- (b) the president of the Senate;
- (c) a chair of any legislative standing committee;
- (d) a chair of any legislative interim committee;
- (e) a chair of any special committee established by the Legislative Management Committee, the speaker of the House, or the president of the Senate;
- (f) a chair of any subcommittee of the Legislative Management Committee;
- (g) a chair of a special investigative committee;
- (h) a chair of a Senate or House Ethics Committee;
- (i) the director of the Office of Legislative Research and General Counsel;
- (j) the legislative auditor general;
- (k) the director of the Office of Legislative Fiscal Analyst; and
- (l) the legislative general counsel.

(2) A legislative body, a legislative office, an issuer, or a legislative staff member designated by an issuer may:

- (a) administer an oath or affirmation; and
- (b) take evidence, including testimony.

Amended by Chapter 1, 2013 Special Session 1

36-14-3. Contents.

Each legislative subpoena shall include:

- (1) the name of the legislative body or office on whose behalf the subpoena is issued;
- (2) the signature of the issuer;
- (3) a command to the person or entity to whom the subpoena is addressed to:
 - (a) appear and testify at the time and place set forth in the subpoena;
 - (b) appear and testify at the time and place designated in the subpoena and produce accounts, books, papers, documents, electronically stored information, or tangible things designated in the subpoena; or
 - (c) produce accounts, books, papers, documents, electronically stored information, or tangible things designated in the subpoena at the time and place designated in the subpoena.

Amended by Chapter 1, 2013 Special Session 1

36-14-4. Service.

Legislative subpoenas may be served:

- (1) within the state, by the sheriff of the county where service is made, or by his

deputy, or by any other person 18 years old or older who is not a member of the entity issuing the subpoena;

(2) in another state or United States territory, by the sheriff of the county where the service is made, or by his deputy, or by a United States marshal or his deputy;

(3) in a foreign country:

(a) by following the procedures prescribed by the law of the foreign country;

(b) upon an individual, by any person 18 years old or older who is not a member of the entity delivering the subpoena to him personally, and upon a corporation or partnership or association, by any person 18 years old or older who is not a member of the entity delivering the subpoena to an officer, a managing or general agent of the corporation, partnership, or association; or

(c) by any form of mail requiring a signed receipt, to be addressed and dispatched by the legislative general counsel to the party to be served.

Enacted by Chapter 174, 1989 General Session

36-14-5. Legislative subpoenas -- Enforcement.

(1) If any person disobeys or fails to comply with a legislative subpoena, or if a person appears pursuant to a subpoena and refuses to testify to a matter upon which the person may be lawfully interrogated, that person is in contempt of the Legislature.

(2) (a) When the subject of a legislative subpoena disobeys or fails to comply with the legislative subpoena, or if a person appears pursuant to a subpoena and refuses to testify to a matter upon which the person may be lawfully interrogated, the issuer may:

(i) file a motion for an order to compel obedience to the subpoena with the district court;

(ii) file, with the district court, a motion for an order to show cause why the penalties established in Title 78B, Chapter 6, Part 3, Contempt, should not be imposed upon the person named in the subpoena for contempt of the Legislature; or

(iii) pursue other remedies against persons in contempt of the Legislature.

(b) (i) Upon receipt of a motion under this subsection, the court shall expedite the hearing and decision on the motion.

(ii) A court may:

(A) order the person named in the subpoena to comply with the subpoena; and

(B) impose any penalties authorized by Title 78B, Chapter 6, Part 3, Contempt, upon the person named in the subpoena for contempt of the Legislature.

(3) (a) If a legislative subpoena requires the production of accounts, books, papers, documents, electronically stored information, or tangible things, the person or entity to whom it is directed may petition a district court to quash or modify the subpoena at or before the time specified in the subpoena for compliance.

(b) An issuer may respond to a motion to quash or modify the subpoena by pursuing any remedy authorized by Subsection (2).

(c) If the court finds that a legislative subpoena requiring the production of accounts, books, papers, documents, electronically stored information, or tangible things is unreasonable or oppressive, the court may quash or modify the subpoena.

(4) Nothing in this section prevents an issuer from seeking an extraordinary writ

to remedy contempt of the Legislature.

(5) Any party aggrieved by a decision of a court under this section may appeal that action directly to the Utah Supreme Court.

Amended by Chapter 1, 2013 Special Session 1

36-14-6. Fees and mileage.

Except state officers and employees, witnesses appearing pursuant to a legislative subpoena shall receive witness fees and mileage as provided by law for attendance before the district courts of this state.

Enacted by Chapter 174, 1989 General Session

36-17-1. Legislative Process Committee -- Membership.

There is created a Legislative Process Committee.

(1) The committee shall be composed of eight legislators appointed as follows:

(a) three senators, appointed by the president of the Senate, with one senator from the minority party; and

(b) five representatives, appointed by the speaker of the House of Representatives, with two representatives from the minority party.

(2) The president of the Senate shall designate one of the Senate appointees as one cochair of the committee and the speaker of the House of Representatives shall designate one of the House of Representatives appointees as the other cochair.

(3) Committee members serve for one year but may be reappointed by the speaker or president.

(4) In conducting all of its business, the committee shall comply with the rules of legislative interim committees.

(5) The Office of Legislative Research and General Counsel shall provide staff services to the committee.

Amended by Chapter 212, 1994 General Session

36-17-2. Committee duties.

The committee shall:

(1) review existing legislative and budget procedures and study the legislative and budget procedures used in other states;

(2) review and consider alternatives to the Utah Legislature's current process for preparing a budget;

(3) review and consider alternatives to the Utah Legislature's current process for requesting, preparing, prefiling, and prioritizing legislation;

(4) review and consider alternatives to the Utah Legislature's current process for interims;

(5) review and consider alternatives to the current role of standing committees in the legislative process;

(6) review and consider alternatives to the Utah Legislature's rules governing floor actions;

- (7) review and consider alternative measures to meet the constitutional requirements for Utah's legislative process;
- (8) review and consider any other matters involving the legislative process; and
- (9) make recommendations, if any, to the Legislative Management Committee for any changes to the legislative process.

Enacted by Chapter 164, 1991 General Session

36-19-1. Conflict of interest -- Prohibition of benefit.

- (1) A legislator, member of his household, or client shall not be a party to or have an interest in the profits or benefits of a state contract when the state contract is the direct result of a bill sponsored by the legislator unless the contract is let in compliance with state procurement policies and is open to the general public.
- (2) Any person violating this section shall be guilty of a class B misdemeanor.

Enacted by Chapter 100, 1992 General Session

36-20-1. Definitions.

As used in this chapter:

- (1) "Advisory committee" means the committee which proposes rules or changes in rules to the Supreme Court on civil procedure, criminal procedure, juvenile procedure, appellate procedure, evidence, and professional conduct.
- (2) "Committee" means the Judicial Rules Review Committee created in Section 36-20-2.
- (3) "Court rules" means any of the following:
 - (a) rules of procedure, evidence, and practice for use of the courts of this state;
 - (b) rules governing and managing the appellate process adopted by the Supreme Court;
 - (c) rules adopted by the Judicial Council for the administration of the courts of the state.
- (4) "Judicial Council" means the administrative body of the courts as established in Article VIII, Sec. 12, Utah Constitution and Section 78A-2-104.
- (5) "Proposal for court rule" means the proposed language in a court rule that is submitted to the Judicial Council, the advisory committee, or the Supreme Court.
- (6) "Report" means a copy of the committee's findings and recommendations, any actions taken by the Supreme Court or Judicial Council in response, and any recommendation for legislation for Supreme Court or Judicial Council rulemaking action as provided in Subsection 36-20-6(3).

Amended by Chapter 3, 2008 General Session

36-20-2. Judicial Rules Review Committee.

- (1) There is created a six member Judicial Rules Review Committee.
- (2) (a) The committee shall be composed of three members of the Senate, at least one from each political party, appointed by the president of the Senate, and three members of the House, at least one from each political party, appointed by the speaker

of the House of Representatives.

(b) Members shall serve for two-year terms or until their successors are appointed.

(c) A vacancy exists whenever a committee member ceases to be a member of the Legislature or when a member resigns from the committee. Vacancies shall be filled by the appointing authority, and the replacement shall serve out the unexpired term.

(d) The members may meet as needed to review or recommend:

(i) court rules or proposals for court rules;

(ii) any conflicts between court rules or proposals for court rules and statute or state constitution; and

(iii) proposed legislative action relating to Subsections (2)(d)(i) and (ii).

Amended by Chapter 324, 2010 General Session

36-20-3. Submission of court rules or proposals for court rules.

(1) Each court rule or proposal for court rule and any other information the Supreme Court or Judicial Council considers relevant and helpful shall be submitted to the committee and the governor at each stage when:

(a) the court rule or proposal for court rule is submitted to:

(i) the Judicial Council for consideration or approval for public comment; or

(ii) the Supreme Court from the advisory committee after its consideration or approval; and

(b) the approved court rule or approved proposal for court rule is made available to members of the bar and the public for public comment.

(2) At the time of submission under Subsection (1), the Supreme Court or Judicial Council shall provide the committee with the name and telephone number of a Supreme Court advisory committee or Judicial Council employee who may be contacted about the submission.

Enacted by Chapter 282, 1993 General Session

36-20-4. Review of rules -- Criteria.

The committee shall review and evaluate submissions of court rules or proposals for court rules and may review existing court rules, based on the following criteria:

(1) whether or not they are authorized by the state constitution or by statute;

(2) whether or not those authorized by statute comply with legislative intent;

(3) whether or not they are in conflict with existing statute or govern the same policy as articulated in statute;

(4) whether or not they are primarily substantive or procedural in nature;

(5) whether or not they infringe upon the powers of the executive or legislative branch of government;

(6) their impact on affected persons;

(7) their purpose or the reason for the change;

(8) the anticipated cost or savings to:

(a) the state budget;

- (b) local governments; and
- (c) individuals; and
- (9) the compliance cost for affected persons.

Enacted by Chapter 282, 1993 General Session

36-20-5. Committee review -- Fiscal analyst -- Powers of committee.

(1) To carry out its duties, the committee may examine any other issues that it considers necessary.

(2) The committee may request the Office of the Legislative Fiscal Analyst to prepare a fiscal note on any court rule or proposal for court rule.

(3) In order to accomplish its functions, the committee has all the powers granted to legislative interim committees as set forth in Section 36-12-11.

Enacted by Chapter 282, 1993 General Session

36-20-6. Findings -- Report -- Distribution of copies.

(1) The committee may take action that includes:

- (a) an informal recommendation about a court rule or proposal for court rule; or
- (b) written findings of its review of each court rule or proposal for court rule and recommendations, if any, for legislative action or any Supreme Court or Judicial Council rulemaking action where significant issues have been identified.

(2) If any findings are made under Subsection (1), the committee shall provide to the Supreme Court or the Judicial Council:

- (a) a copy of its findings; and
- (b) a request that the court or Judicial Council notify the committee of its response.

(3) The committee may prepare a report that includes:

(a) the findings and recommendations made by the committee based on the criteria in Section 36-20-4;

(b) any action taken by the Supreme Court or Judicial Council in response to committee recommendations; and

(c) any recommendations by the committee for legislation or Supreme Court or Judicial Council rulemaking action.

(4) If a report is prepared, the committee shall provide a copy of the report to the presiding officers of both the House and the Senate, the Senate and House chairs of the Judiciary Interim Committee, Judiciary Standing Committees, the governor, the Executive Offices, Criminal Justice, and Legislature Appropriation Subcommittee, the Judicial Council, and the Supreme Court.

Amended by Chapter 36, 1996 General Session

36-20-7. Court rules or proposals for court rules -- Publication in bulletin.

When the Supreme Court or Judicial Council submits any court rule or proposal for court rule for public comment, it shall also submit the court rule or proposal for court rule to publication houses which publish court rules, proposals to court rules, case law

or other relevant information for persons engaged in the legal profession.

Enacted by Chapter 282, 1993 General Session

36-20-8. Duties of staff.

The Office of Legislative Research and General Counsel shall, when practicable, attend meetings of the advisory committees of the Supreme Court.

Enacted by Chapter 282, 1993 General Session

36-21-1. Definition -- Deadline for state governmental entities filing legislation -- Waiver.

- (1) "Governmental entity" means:
 - (a) the executive branch of the state, including all departments, institutions, boards, divisions, bureaus, offices, commissions, committees, and elected officials;
 - (b) the judicial branch of the state, including the courts, the Judicial Council, the Office of the Court Administrator, and similar administrative units in the judicial branch;
 - (c) the State Board of Education, the State Board of Regents, and any state-funded institution of higher education or public education;
 - (d) the National Guard;
 - (e) all quasi independent entities created by statute; and
 - (f) any political subdivision of the state, including any county, city, town, school district, public transit district, redevelopment agency, special improvement or taxing district.
- (2) Legislation requested by a governmental entity may not be considered by the Legislature during the annual general session unless:
 - (a) at the time the request for legislation is made it has a legislative sponsor;
 - (b) the request for legislation is filed with the Office of Legislative Research and General Counsel by December 1st of the year immediately before the Legislature's annual general session; and
 - (c) at the time the request for legislation is filed, it includes the purpose of the measure and all necessary drafting information.
- (3) The Legislature, by motion and with the approval of a majority vote in one house, may waive this requirement.
- (4) It is the intent of the Legislature that these agency requests will not be given higher priority than individual legislative requests filed at a later date.

Enacted by Chapter 44, 1995 General Session

36-22-1. Native American Legislative Liaison Committee -- Creation -- Membership -- Chairs -- Salaries and expenses.

- (1) There is created the Native American Legislative Liaison Committee.
- (2) The committee shall consist of 11 members:
 - (a) seven members from the House of Representatives appointed by the speaker, no more than four of whom shall be members of the same political party; and
 - (b) four members of the Senate appointed by the president, no more than two of

whom shall be members of the same political party.

(3) The speaker of the House shall select one of the members from the House of Representatives to act as cochair of the committee.

(4) The president of the Senate shall select one of the members from the Senate to act as cochair of the committee.

(5) Salaries and expenses of the legislators shall be paid in accordance with Section 36-2-2 and Joint Rule 15.03.

Enacted by Chapter 143, 1995 General Session

36-22-2. Duties.

(1) The committee shall:

(a) serve as a liaison between Utah Native American tribes and the Legislature;

(b) recommend legislation for each annual general session of the Legislature if the committee determines that modifications to current law are in the best interest of the state of Utah and of the Utah Native American tribes;

(c) review the operations of the Division of Indian Affairs and other state agencies working with Utah Native American tribes;

(d) help sponsor meetings and other opportunities for discussion with and between Native Americans.

(2) In conducting its business, the committee shall comply with the rules of legislative interim committees.

Enacted by Chapter 143, 1995 General Session

36-22-3. Staff support.

The Office of Legislative Research and General Counsel shall provide staff support to the committee.

Enacted by Chapter 143, 1995 General Session

36-23-101. Title.

This chapter is known as the "Occupational and Professional Licensure Review Committee Act."

Enacted by Chapter 152, 1999 General Session

36-23-101.5. Definitions.

As used in this chapter:

(1) "Committee" means the Occupational and Professional Licensure Review Committee created in Section 36-23-102.

(2) "Government requestor" means:

(a) the governor;

(b) an executive branch officer other than the governor;

(c) an executive branch agency;

(d) a legislator; or

- (e) a legislative committee.
- (3) "Newly regulate" means to regulate under Title 58, Occupations and Professions, an occupation or profession not regulated under Title 58 before the enactment of the new regulation.
- (4) "Proposal" means:
 - (a) an application submitted under Section 36-23-105, with or without specific proposed statutory language;
 - (b) a request for review by a legislator of the possibility of newly regulating an occupation or profession, with or without specific proposed statutory language; or
 - (c) proposed legislation to newly regulate an occupation or profession referred to the committee by another legislative committee.
- (5) "Sunrise review" means a review under this chapter of a proposal to newly regulate an occupation or profession.
- (6) "Sunset review" means a review under this chapter of a statute:
 - (a) regarding a licensed profession under Title 58, Occupations and Professions; and
 - (b) that is scheduled for termination under Section 63I-1-258.

Amended by Chapter 323, 2013 General Session

36-23-102. Occupational and Professional Licensure Review Committee.

- (1) There is created the Occupational and Professional Licensure Review Committee.
- (2) The committee consists of nine members appointed as follows:
 - (a) three members of the House of Representatives, appointed by the speaker of the House of Representatives, no more than two from the same political party;
 - (b) three members of the Senate, appointed by the president of the Senate, no more than two from the same political party; and
 - (c) three public members appointed jointly by the speaker of the House of Representatives and the president of the Senate from the following two groups:
 - (i) at least one member who has previously served, but is no longer serving, on any advisory board created under Title 58, Occupations and Professions; and
 - (ii) at least one member from the general public who does not hold any type of license issued by the Division of Occupational and Professional Licensing.
- (3) (a) The speaker of the House of Representatives shall designate a member of the House of Representatives appointed under Subsection (2)(a) as a cochair of the committee.
- (b) The president of the Senate shall designate a member of the Senate appointed under Subsection (2)(b) as a cochair of the committee.

Amended by Chapter 323, 2013 General Session

36-23-103. Committee terms -- Vacancies.

- (1) A legislator serving on the committee shall serve a two-year term or until the legislator's successor is appointed.
- (2) (a) Except as provided in Subsection (2)(b), a public member shall serve a

three-year term or until the public member's successor is appointed.

(b) The speaker of the House of Representatives and the president of the Senate shall, at the time of appointment or reappointment, adjust the length of terms of the public members to ensure that approximately one of the public members is appointed every year.

(3) A legislative or public member of the committee may serve one or more terms.

(4) (a) A vacancy occurs:

(i) when a legislative member ceases to be a member of the Legislature;

(ii) when a member of the committee resigns from the committee; or

(iii) when a member is removed by the appointing authority for cause.

(b) A vacancy shall be filled by the appointing authority, and the replacement member shall serve for the remaining unexpired term.

Amended by Chapter 323, 2013 General Session

36-23-104. Committee meetings -- Compensation -- Quorum -- Legislative rules.

(1) The committee shall meet at least twice before November 1 of each year, at the call of the committee chairs, to carry out the duties described in this chapter.

(2) A public member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(3) (a) Five members of the committee constitute a quorum.

(b) If a quorum is present, the action of a majority of members present is the action of the committee.

(4) Except as provided in Subsection (3), in conducting all its business, the committee shall comply with the rules of legislative interim committees regarding motions.

Amended by Chapter 323, 2013 General Session

36-23-105. Applications -- Fees.

(1) If a government requestor or a representative of an occupation or profession that is not licensed by the state proposes that the state license or regulate an occupation or profession, the requestor or representative shall, prior to the introduction of any proposed legislation, submit an application for sunrise review to the Office of Legislative Research and General Counsel in a form approved by the committee.

(2) If an application is submitted by a representative of an occupation or profession, the application shall include a nonrefundable fee of \$500.

(3) All application fees shall be deposited in the General Fund.

Amended by Chapter 323, 2013 General Session

36-23-106. Duties -- Reporting.

- (1) The committee shall:
 - (a) for each application submitted in accordance with Section 36-23-105, conduct a sunrise review in accordance with Section 36-23-107 before November 1:
 - (i) of the year in which the application is submitted, if the application is submitted on or before July 1; or
 - (ii) of the year following the year in which the application is submitted, if the application is submitted after July 1;
 - (b) (i) conduct a sunset review for all statutes regarding a licensed occupation or profession under Title 58, Occupations and Professions, that are scheduled for termination under Section 63I-1-258;
 - (ii) conduct a sunset review under this Subsection (1)(b) before November 1 of the year prior to the last general session of the Legislature that is scheduled to meet before the scheduled termination date; and
 - (iii) conduct a review or study regarding any other occupational or professional licensure matter referred to the committee by the Legislature, the Legislative Management Committee, or other legislative committee.
- (2) The committee shall submit an annual written report before November 1 to:
 - (a) the Legislative Management Committee; and
 - (b) the Business and Labor Interim Committee.
- (3) The written report required by Subsection (2) shall include:
 - (a) all findings and recommendations made by the committee in the calendar year; and
 - (b) a summary report of each review or study conducted by the committee stating:
 - (i) whether the review or study included a review of specific proposed or existing statutory language;
 - (ii) action taken by the committee as a result of the review or study; and
 - (iii) a record of the vote for each action taken by the committee.

Amended by Chapter 323, 2013 General Session

36-23-107. Sunrise or sunset review -- Criteria.

- (1) In conducting a sunrise review or a sunset review under this chapter, the committee may:
 - (a) receive information from:
 - (i) representatives of the occupation or profession proposed to be newly regulated or that is subject to a sunset review;
 - (ii) the Division of Occupational and Professional Licensing; or
 - (iii) any other person; and
 - (b) review a proposal with or without considering proposed statutory language.
- (2) When conducting a sunrise review or sunset review under this chapter, the committee shall:
 - (a) consider whether state regulation of the occupation or profession is necessary to address a compelling state interest in protecting against present, recognizable, and significant harm to the health or safety of the public;

(b) if the committee determines that state regulation of the occupation or profession is not necessary to protect against present, recognizable, and significant harm to the health or safety of the public, recommend to the Legislature that the state not regulate the profession;

(c) if the committee determines that state regulation of the occupation or profession is necessary in protecting against present, recognizable, and significant harm to the health or safety of the public, consider whether the proposed or existing statute is narrowly tailored to protect against present, recognizable, and significant harm to the health or safety of the public; and

(d) recommend to the Legislature any necessary changes to the proposed or existing statute to ensure it is narrowly tailored to protect against present, recognizable, and significant harm to the health or safety of the public.

(3) In its performance of each sunrise review or sunset review, the committee may apply the following criteria, to the extent that it is applicable:

(a) whether the unregulated practice of the occupation or profession has clearly harmed or may harm or endanger the health, safety, or welfare of the public;

(b) whether the potential for harm or endangerment described in Subsection (3)(a) is easily recognizable and not remote;

(c) whether regulation of the occupation or profession will significantly diminish an identified risk to the health, safety, or welfare of the public;

(d) whether regulation of the occupation or profession:

(i) imposes significant new economic hardship on the public;

(ii) significantly diminishes the supply of qualified practitioners; or

(iii) otherwise creates barriers to service that are not consistent with the public welfare or interest;

(e) whether the occupation or profession requires knowledge, skills, and abilities that are:

(i) teachable; and

(ii) testable;

(f) whether the occupation or profession is clearly distinguishable from other occupations or professions that are already regulated;

(g) whether the occupation or profession has:

(i) an established code of ethics;

(ii) a voluntary certification program; or

(iii) other measures to ensure a minimum quality of service;

(h) whether:

(i) the occupation or profession involves the treatment of an illness, injury, or health care condition; and

(ii) practitioners of the occupation or profession will request payment of benefits for the treatment under an insurance contract subject to Section 31A-22-618;

(i) whether the public can be adequately protected by means other than regulation; and

(j) other appropriate criteria as determined by the committee.

Amended by Chapter 323, 2013 General Session

36-23-108. Staff support.

The Office of Legislative Research and General Counsel shall provide staff services to the committee.

Enacted by Chapter 152, 1999 General Session

36-23-109. Review of state regulation of occupations and professions.

Before the annual written report described in Section 36-23-107 is submitted for 2013, the committee shall study potentially less restrictive alternatives to licensing for the regulation of occupations and professions, including registration and certification if appropriate, that would better avoid unnecessary regulation and intrusion upon individual liberties by the state, while still protecting the health and safety of the public.

Enacted by Chapter 323, 2013 General Session

36-24-101. Review of new programs and agencies.

(1) When legislation is passed that creates a new program or agency, the legislative sponsor shall consider providing that the funding for the first fiscal year should be nonlapsing, with the option of continuing the nonlapsing money for an additional year.

(2) The legislative interim committee with oversight responsibility for the new program or agency:

(a) shall hear the limited scope audit report prepared by the Office of Legislative Auditor General as provided in Section 36-12-15 on or before the committee's November meeting;

(b) shall review each new program or agency on which it receives a report to assure that it is being implemented in a manner consistent with its statutory directive;

(c) shall determine whether the statutory directive is being followed and whether any change in law is necessary and if a change in law is necessary, make that recommendation to the Legislature; and

(d) may request the Office of Legislative Auditor General to conduct a more in-depth review of the program or agency.

(3) The legislative appropriations subcommittee with oversight responsibility for the new program or agency:

(a) shall hear the limited scope audit report prepared by the Office of Legislative Auditor General as provided in Section 36-12-15 on or before the committee's November meeting;

(b) shall review each new program or agency on which it receives a report to determine whether the agency is appropriately using the funds provided; and

(c) may request the Office of Legislative Auditor General to conduct a more in-depth review of the program or agency.

Amended by Chapter 342, 2011 General Session

36-25-101. Title.

This chapter is known as the "Rural Development Legislative Liaison

Committee."

Enacted by Chapter 73, 2004 General Session

36-25-102. Rural Development Legislative Liaison Committee -- Creation -- Membership -- Chairs -- Salary -- Expenses.

(1) There is created the Rural Development Legislative Liaison Committee composed of 11 members as follows:

(a) four members of the Senate appointed by the president of the Senate, no more than two of whom shall be from the same political party; and

(b) seven members from the House of Representatives appointed by the speaker of the House of Representatives, no more than four of whom shall be from the same political party.

(2) Senators and representatives from nonrural legislative districts may be considered for membership on the committee.

(3) (a) The president of the Senate shall designate a member of the Senate appointed under Subsection (1)(a) as a cochair.

(b) The speaker of the House of Representatives shall designate a member of the House of Representatives appointed under Subsection (1)(b) as a cochair of the committee.

(4) Salaries and expenses of the members of the committee shall be paid in accordance with Section 36-2-2 and Joint Rule 15.03.

Enacted by Chapter 73, 2004 General Session

36-25-103. Duties.

(1) The committee shall:

(a) serve as a liaison between the Governor's Rural Partnership Board, the Utah Rural Development Council, rural economic development and planning groups, and the Legislature;

(b) recommend legislation for each annual general session of the Legislature if the committee determines that modifications to current law are in the best interest of the state and the economic and planning interests of rural Utah;

(c) review the operations of the Office of Rural Development and other state agencies involved in rural economic development and planning; and

(d) help sponsor meetings and other opportunities for discussion with and between rural economic development and planning interests.

(2) In conducting its business, the committee shall comply with the rules of legislative interim committees.

Enacted by Chapter 73, 2004 General Session

36-25-104. Staff support.

The Office of Legislative Research and General Counsel shall provide staff support to the committee.

Enacted by Chapter 73, 2004 General Session

36-26-101. Title.

This chapter is known as the "Utah International Relations and Trade Commission."

Amended by Chapter 327, 2010 General Session

36-26-102. Utah International Relations and Trade Commission -- Creation -- Membership -- Chairs -- Per diem and expenses.

- (1) There is created the Utah International Relations and Trade Commission.
- (2) The commission membership consists of 13 members:
 - (a) eight members to be appointed as follows:
 - (i) five members from the House of Representatives, appointed by the speaker of the House of Representatives, no more than three from the same political party; and
 - (ii) three members from the Senate, appointed by the president of the Senate, no more than two members from the same political party;
 - (b) four nonvoting members to be appointed by the governor, including at least:
 - (i) one representative from a Utah industry involved in international trade;
 - (ii) one expert in international finance; and
 - (iii) one expert in higher education with international experience; and
 - (c) the Utah Attorney General or designee, who is a nonvoting member.
- (3) (a) The members appointed or reappointed by the governor shall serve two-year terms.
 - (b) Notwithstanding the requirement of Subsection (3)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of these members are staggered so that approximately half of the members are appointed or reappointed under Subsection (3)(c) every two years.
 - (c) When a vacancy occurs among members appointed by the governor, the replacement shall be appointed for the unexpired term.
- (4) Four members of the commission constitute a quorum.
- (5) (a) The speaker of the House of Representatives shall designate a member of the House of Representatives appointed under Subsection (2)(a) as a cochair of the commission.
 - (b) The president of the Senate shall designate a member of the Senate appointed under Subsection (2)(a) as a cochair of the commission.
- (6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 325, 2012 General Session

36-26-103. Duties.

The commission shall:

- (1) comply with the rules of legislative interim committees unless those rules conflict with this section;
- (2) study and make recommendations to the Legislature concerning:
 - (a) the impact of international treaties adopted by the United States Senate on the Legislature's constitutional powers to regulate state affairs, public and private;
 - (b) the creation, duties and powers, and oversight of a state trade representative or state point of contact; and
 - (c) the promotion of international relations and trade with Utah;
- (3) maintain active communication with:
 - (a) the United States trade representative's office;
 - (b) Utah's congressional delegation;
 - (c) Utah's state trade representative or state point of contact, if created; and
 - (d) any other organization in Utah whose mission involves international trade or relations and any other organization in the United States whose mission involves international trade or relations as the commission considers appropriate; and
- (4) have no more than four paid meetings per year.

Amended by Chapter 327, 2010 General Session

36-26-104. Staff support.

The Office of Legislative Research and General Counsel shall provide staff services to the commission.

Enacted by Chapter 362, 2006 General Session

36-27-101. Title.

This chapter is known as "Legislature's Counsel to United States Senators."

Enacted by Chapter 390, 2011 General Session

36-27-102. Legislative counsel to United States Senators.

- (1) The Legislature may provide counsel to United States senators representing Utah.
- (2) The Legislature may request that United States senators representing Utah provide a single response or periodic reports to the Legislature on:
 - (a) each senator's progress with or response to the counsel given under Subsection (1); or
 - (b) other issues as determined by the Legislature.

Enacted by Chapter 390, 2011 General Session

36-27-103. Resolution of the Legislature -- Written statement.

- (1) The Legislature may provide any counsel or reporting requests under Section 36-27-102 by:
 - (a) passing a joint resolution of the Legislature; or

(b) issuing a written statement that contains the signatures of a majority of the members of the House and a majority of the members of the Senate.

(2) A written statement under Subsection (1)(b) shall be referred to as "The Legislature's Counsel to United States Senators Representing Utah."

Enacted by Chapter 390, 2011 General Session

36-27-104. Issuance of resolution or written statement -- Reporting requirements.

(1) (a) Any resolution or written statement that is issued under this chapter shall be sent to each United States senator representing Utah.

(b) A copy of any resolution or written statement that is issued under this chapter shall be sent to each representative from the state serving in Congress.

(2) Each resolution or written statement issued under this chapter shall specify that a United States senator shall provide the following to the Office of Legislative Research and General Counsel when submitting a report in response to a resolution or written statement:

(a) prior notice of any verbal response or report; or

(b) a copy of any written response or report.

(3) The Office of Legislative Research and General Counsel shall maintain a record of:

(a) any resolution or written statement issued under this chapter; and

(b) each response and report provided to the Legislature by a United States senator in response to a resolution or written statement issued under this chapter.

Enacted by Chapter 390, 2011 General Session